



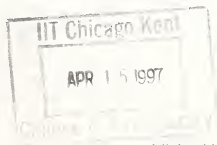
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Authorized Child Care Payments
- 2) Code Citation: 89 Ill. Adm. Code 359

- 3) Section Numbers:
- 359.2 Amend
- 359.4 Amend
- 359.6 Amend
- 359.8 Repeal

- 4) Statutory Authority: 20 ICS 505

- 5) A. Complete Description of the Subjects and Issues Involved: These rules are being amended to agree with the Department's rules on adoption assistance contained in 89 Ill. Adm. Code 302, Services Delivered by the Department, Section 302.310 and 302. Appendix B.

In addition to the changes in adoption assistance, the Department is amending the rules to eliminate responsibility for services that will become the responsibility of the Department of Human Services effective July 1, 1997; to specify that payments for independent living services will only be made for youth for whom the Department is legally responsible; and to redefine payment responsibility for children for whom the Department is legally responsible who are placed with related caregivers.

- 6) Will these proposed rules replace an emergency rule currently in effect?
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No
- 9) Are there any proposed amendments to this Part pending? No
- 10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ICS 805/3(b)].

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham
Chief, Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station #65

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Springfield, IL 62701-1498
(217) 524-1983
(217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The need for the rulemaking was not anticipated at the time of the last two regulatory agendas.

The full text of the proposed amendment begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER c: FISCAL ADMINISTRATION

PART 359

AUTHORIZED CHILD CARE PAYMENTS

Section	Purpose
359.1	Definitions
359.2	Introduction
359.3	Payments for Substitute Care Services
359.4	Payments for Family Preservation and Auxiliary Services
359.5	Payments for Independent Living Arrangements
359.6	Payments for Children's Personal and Physical Maintenance
359.7	Payments for Unmarried Mothers (Repealed)
359.8	Payments for Medical Care
359.9	Overpayments and Repayments
359.10	

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5].

SOURCE: Adopted and codified at 5 Ill. Reg. 13129, effective November 30, 1981; amended at 9 Ill. Reg. 19705, effective December 16, 1985; amended at 10 Ill. Reg. 13575, effective September 19, 1986; amended at 19 Ill. Reg. 10464, effective July 1, 1995; emergency amendment at 21 Ill. Reg. 3259, effective March 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. _____, effective _____.

Section 359.2 Definitions

"Auxiliary services" means those services provided by the Department to children in their own homes as well as to children in placement which supplement or complement the primary service. For example, when advocacy services are provided to children in substitute care, this is an auxiliary service.

"Children for whom the Department has legal responsibility" means children for whom the Department has temporary protective custody, custody or guardianship, a court order, or whose parent(s) has signed an adoptive surrender or voluntary placement agreement with the Department.

"Child only standard of need" means the assistance standard for cases in which no adult member is included, as determined by the Illinois Department of Human Services **Public Aid in 89-III--Adm---Code---1117 Assistance-Standard.**

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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"Family preservation services" means those services provided to children and families who require social services to maintain the family unit intact.

"Foster care payment" means the amount paid by the Department for a child's room, board, clothing, and personal allowance in a licensed foster family home.

"Overpayment" means an amount paid for a service in excess of the amount accrued or expected rate for that service or a payment for a service that is not rendered. This includes board payments for a child that continue after the child is no longer in the placement for which the payment is made.

"Relative" for purposes of placement of a child for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle or great-aunt, or
 - is the spouse of such a relative, or
 - is the child's step-father, step-mother, or adult step-brother or step-sister.
- Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

"Substitute care services" means those services provided to children who require placement away from their families.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 359.4 Payments for Substitute Care Services

Payments are made for children for whom the Department has legal responsibility and their children living with them in the following types of substitute care living arrangements if the placements meet the requirements established via the purchase of service contracts and the applicable licensing rules as specified in 89 Ill. Adm. Code 357, Purchase of Service, 89 Ill. Adm. Code 401, Licensing Standards for Child Welfare Agencies, 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, 89 Ill. Adm. Code 403, Licensing Standards for Group Homes, and 89 Ill. Adm. Code 404, Licensing Standards for Child Care Institutions and Maternity Centers:

- a) Foster family care is provided in licensed foster family homes. The Department recognizes the following types of foster family care:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Specialized foster family homes and intensive service foster homes receive additional monthly compensation because they accept children with medical, behavioral and/or psychological problems or because they accept pregnant girls or young mothers who are in need of specialized training in parenting skills, child development, money management, and self sufficiency.
- 2) Emergency foster homes may be paid a flat rate for days of service provided or may receive retainer fees to assure that emergency beds are available 24 hours per day.
- 3) Department boarding homes are licensed. Foster family homes operated by foster parents supervised by the Department.
- 4) Private agency foster homes are licensed foster family homes supervised by licensed child welfare agencies.
- 5) Relatively new homes to be licensed as foster family homes under the provisions of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes.
- 6) Best foster care is a unique service provided in Department boarding homes for children for whom the Department is not legally responsible who require placement for educational reasons.
- b) Relative family care may be provided by a relative as defined in Section 359.24, living within the State of Illinois, as follows:
 - 1) If a relative does not wish to apply for licensure as a foster family home, or has submitted an application for licensure and the application is pending, or has applied for licensure and been denied, the relative may provide care to children for whom the Department is legally responsible as long as the relative family home continues to meet the conditions in Section 301.80 of 89 Ill. Adm. Code 301, Placement and Visitation Services.
 - 11). Children for whom the Department is legally responsible who are residing in a home described in subsection (b)(1) above, the Department will pay for the related children placed with the relative caregiver at the child only standard of need established by the Illinois Department of Human Services.
 - 2) Relative caregivers who choose this option will be referred to the Department of Public Aid to apply for Aid to Families with Dependent Children (AFDC) for the related children placed with them and will have 90 days to complete the AFDC application and eligibility process.
 - 3) The Department of Children and Family Services will provide supplemental payments for children for whom the Department is legally responsible to bring the total income for the related children placed with the relative caregiver to the child only standard of need established by the Illinois Department of Public Aid.
 - 4) For placements made prior to July 1, 1995, if the relative caregiver fails to complete the AFDC application and eligibility determination process within 90 days after receipt of a notice to

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- apply for AFDC; the relative will receive no payment from the Department in such cases; the continued suitability of the relative's home will be reassessed.
- 5) For placement made on or after July 1, 1995, if the relative caregiver fails to complete the AFDC application and eligibility determination process within 90 days after placement of the related child, the relative will receive no payment from the Department in such cases; the continued suitability of the relative's home will be reassessed.
- 6) At a future date, if the relative complies with the requirement to apply for AFDC and complete the eligibility determination process, the Department will then provide the supplemental payments to bring the total income for the related children to the child only standard of need.
- c) Relative family care may also be provided to relatives living out of the State of Illinois. If a relative living in another State is providing care for a child for whom the Department is legally responsible, the relative will receive the full foster care rate if the relative submits documentation to the Department within 180 days after placement of the child by July 1, 1995 that they are licensed, approved or certified in accordance with the requirements for licensing, approving or certifying foster homes. If documentation is not submitted to the Department by July 1, 1995, the Department will reduce the payment to the child only standard of need established for that number of children by the Illinois Department of Human Services Public Aid for group facilities. If, at a future date, the relative submits documentation to the Department that they are licensed, approved or certified in accordance with the other state's standard for foster homes, the payment will be increased to the full foster care rate.
- d) Institution and group home care is provided in licensed institutions and group homes. Rates are established for these facilities via a purchase of service contract with the Department.
- e) Subsidized adoptive homes are adoptive homes to which the Department provides financial assistance when a special needs child for whom the Department was legally responsible is adopted.
 - 1) The types of adoption assistance that may be provided include:
 - Special service subsidy is a special help given to handle anticipated expense when no other resources is available; it may include:
 - A) one-time only payments of non-recurring expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a special needs child up to a maximum of \$1500 for each adopted child legal fees related to the consummation of the adoption;
 - B) payment for physical, emotional and mental health needs not wholly payable through insurance or other public resources that are associated with or result from a condition(s) whose

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onset has been established as occurring prior to the completion of the adoption medical costs not covered by the adopting family's medical insurance or by the Division of Specialized Care for Children;

- C) Ongoing monthly payments in an amount determined in each case by the Department in accordance with 89 Ill. Adm. Code 302. Services Delivered by the Department, Section 302.310, Adoption Assistance Amendments, and Appendix B, Calculating the Amount of Adoption Assistance. The duration of adoption assistance may not extend beyond 18 years of age, although adoption assistance may be provided at the Department's option until the child's 21st birthday if the child has a physical, mental, or emotional disability that warrants the continuation of assistance, other special services such as physical therapy, counseling, prosthetics, special education, a child may require due to a physical or mental handicap;
- 2) Regular adoption assistance payments are monthly payments beyond the legal consummation of the adoption and may continue until the child reaches age 18 for children adopted after November 30, 1987, unless the child has a mental or physical handicap. When other assistance is not available for a child adopted after November 30, 1987, with a mental or physical handicap, adoption assistance may be provided to age 21;
- 2)3) The purpose, amount, and duration of the adoption assistance will be mutually agreed to by the Department and the adopting parents prior to completion of the adoption in the form of a written agreement. The amount of financial assistance shall be less than the cost of maintaining the child in an appropriate foster family home. Special service fees shall cost no more than such services would cost the Department.

- 3)4) The Department shall annually review with the adoptive parent(s) the continuing needs of the child for adoption assistance every two years or more frequently, based on changes in the circumstances of the adoptive parent(s) and the needs of the child being adopted. The adoptive parent(s) shall renew the assistance agreement every two years prior to the anniversary date of the finalization of the adoption.

- f) Related services are not substitute care services but are provided to enhance the care provided to children who require substitute care services

- 1) In an effort to upgrade the quality of foster family care, the Department may pay for foster parent training and costs associated with training. These payments are provided as funding allows.
- 2) Permanent planning and adoption contracts may be negotiated with licensed child welfare agencies. These contracts are negotiated to develop plans for children in substitute care and to secure

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

adoptive resources for special needs children.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 359.6 Payments for Independent Living Arrangements

The Department may make payments directly to a youth 16 years of age or older for whom the Department has legal responsibility when by plan the youth is living independently from direct caretaker supervision in order to achieve self-sufficiency.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 359.8 Payments for Unmarried Mothers (Repealed)

- a) The Department may make payments for services cited in other Sections of this Part for unmarried pregnant women for whom the Department is legally responsible. However, payment for maternity center care is limited to a maximum of ninety (90) days.

- b) Payment for purchased services for unmarried women for whom the Department is not legally responsible is limited to a maximum of ninety (90) days of maternity center care for pregnant youth who are under 18 years of age at the time of anticipated delivery.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Services Delivered by the Department

- 2) Code Citation: 89 Ill. Adm. Code 302

- 3) Section Numbers: Proposed Action:

302.20 Amend

302.30 Amend

302.40 Amend

302.310 Amend

302.320 Amend

302.330 Amend

302. Appendix B Amend

- 4) Statutory Authority: The Children and Family Services Act (20 ILCS 505)

- 5) A Complete Description of the Subjects and Issues Involved: The Department is amending the method of calculating monthly adoption assistance payments by only considering the annual taxable income of adoptive parents that is in excess of \$74,999. The level of subsidy will be reduced based on a graduated income scale starting with an annual taxable income. In addition, the family size, number of children being adopted, and the level of care determination will no longer be used in the calculation of the adoption subsidy. The subsidy rate will be based on \$25 less than the amount the child was receiving in foster care at the time the adoption assistance agreement was signed. Cost of living adjustments and increases by age category will be provided. The definition of special needs has been amended to simplify the definition to reflect categories similar to the definition of special needs that were used prior to November 28, 1995. Adoption assistance agreements will be subject to reassessment every two years rather than annually.

In addition to the changes in adoption assistance, the Department is amending the rules to eliminate responsibilities for day care and youth services that will become the responsibility of the Department of Human Services effective July 1, 1997. To clarify the Department's rules regarding these services, provided to children by the Department, they will only be included for those children for whom the Department has legal responsibility on an open service case.

- 6) Will these proposed rules replace an emergency rule currently in effect? Yes

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed rules contain incorporations by reference? No

- 9) Are there any proposed amendments to this Part pending? Yes

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- Section Numbers Proposed Action Illinois Register Citation

302.20 Amend January 1, 1997 (21 Ill. Reg. 745)

302.400 Amend January 1, 1997 (21 Ill. Reg. 745)

302.405 New January 1, 1997 (21 Ill. Reg. 745)

- 10) Statement of Statewide Policy Objectives: These rules do not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham
Chief, Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, IL 62701-1498
(217) 524-1983
(217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The need for the rulemaking was not anticipated at the time of the last two regulatory agendas.

The full text of the proposed amendment begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

SUBPART A: GENERAL PROVISIONS

Section 302.20 Definitions

"Adoption assistance" or "adoption subsidy" means financial assistance from the Department which is provided to the adoptive parents after the finalization of an adoption.

"Adoption placement" means a living arrangement with a family which is directed toward establishing that family as the child's new legal parents.

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of the related children.

"Child welfare services" means publicly funded social services which are directed toward the accomplishment of the following purposes:

protecting and promoting the welfare of all children, including homeless, dependent, or neglected children;

preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children;

preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible;

restoring to their families children who have been removed, by the provision of services to the child and the families;

placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate;

assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

providing supportive services and living maintenance which contributes to the physical, emotional and social well-being of children for whom the Department is legally responsible who are pregnant and unmarried, and

providing shelter-and-independent-living--services--for--homeless youth--and

placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and of children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, or in a licensed shelter facility. The Department is not required to place or maintain children:

who are in a foster home; or

who are developmentally disabled, as defined in the Mental Health and Developmental Disabilities Code; or

who are female children who are pregnant, pregnant and parenting or parenting; or

who are siblings,

in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age. [20 ILCS 505/5]

These services include but are not limited to: counseling, advocacy, protective and family maintenance day care, homemaker, emergency caretaker, family planning, adoption, placement, child protection, and information and referral.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parent(s) has signed an adoptive surrender or voluntary placement agreement with the Department.

"Department" as-used-in-this-Party means the Department of Children and Family Services.

"Family" means one or more adults and children, related by blood, marriage, or adoption and residing in the same household.

"Minimum parenting standards" means that a parent or other person

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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responsible for the child's welfare sees that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from physical, mental and emotional harm, and provided with necessary medical care and education as required by law. A parent who has abandoned a child, deserted a child for three months, or failed to demonstrate a reasonable degree of interest, concern, or responsibility as to the welfare of a newborn child for 30 days after birth is deemed to have failed to have met the minimum parenting standards, unless the parent has arranged for the child's care in the home of a relative who is willing and capable of assuming responsibility for the child. In addition, a parent who is addicted to alcohol, or who is a drug addict, as defined in Section 1-103 of the Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305/1-103] and who has consistently failed to cooperate in a rehabilitation program for a period of at least twelve months is deemed to have failed to have met the minimum parenting standards unless the parent has arranged for the child's safety and well-being despite the parent's addiction.

"Parents" means the child's legal parents whose rights have not been terminated and adoptive parents. Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section.

"Permanency goal" means the continuous living arrangement which the Department deems desirable for and available to the child. A permanent legal status is usually a component of the permanency goal. The means for attaining a permanency goal as well as the goal itself can change as the child's developmental and emotional needs change or as the child's and family's circumstances change.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or a court of law.

"Private guardianship" means an individual person appointed by the court to assume the responsibilities of the guardianship of the person as defined in Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] or Article XI of the Probate Act of 1975 [755 ILCS 5/Art. XI].

"Relative," for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or
- is the spouse of such relative, or

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, where the child and its sibling are placed together with that person. [20 ILCS 505/7(b)].

"Service constellation" means a variety of services provided to a child and his/her family.

"Service plan" means a written plan on a form prescribed by the Department in the plan toward the permanency goal for the children.

"Successor guardianship" means the judicial transfer under Section 802-27, 803-28, 804-25, or 805-29 of the Juvenile Court Act of 1987 of the Department's guardianship duties and responsibilities for a minor to a related or unrelated person whom the child has lived with for a continuous period of a year or more before transfer of guardianship.

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child with the Department when assigned by designated Department staff; the Department agrees to provide child welfare services which include placement.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 302.30 Introduction

- a) The Department of Children and Family Services is the state agency which is responsible for providing public child welfare services to children and their families. The types of services provided encompass the broad array of Department services as detailed in this part. Although the service goals in this part encompass a variety of services, any specific service may be provided to families who are living together as well as to children and families who are living apart. Services are provided in order to assure permanent, secure and nurturing living situations for children.
- b) The Department determines:
 - 1) the children and family's eligibility for services as specified in 89-III-Adm-Code-369--Access-to-and-Eligibility-for-Bay-Gare Services--and 89 Ill. Adm. Code 304, "Access to and Eligibility for Child Welfare Services";
 - 2) the specific services which are necessary and appropriate for eligible children and families as indicated in the service plan; and
 - 3) whether such services will be provided directly by the Department

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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or through purchase of service providers.

- c) The Department shall comply with Title VI and VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); Sections 503 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 793 and 794); the U. S. Constitution; the 1970 Illinois Constitution; and any state and federal laws, regulations or court orders which prohibit discrimination in service delivery on the grounds of race, sex, color, religion, national origin or ancestry, the inability to speak or comprehend the English language or by reason of any handicap. Additionally, no children or their families shall be denied services under this part solely on the basis that a parent is admitted to an Illinois mental health facility, detained in an Illinois Jail, or committed to the Illinois Department of Corrections. Refer to 89 Ill. Adm. Code 307, "Indian Child Welfare Services" which defines the special rights of American Indians.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 302.40 Department Service Goals

- a) The Department provides, directly or through purchase, a number of services for children and families which are individually planned to meet the needs of each child and family. These services are directed toward four service goals which are:
- 1) family preservation
 - 2) family reunification
 - 3) adoption
 - 4) youth development
- b) Family Preservation
- When family preservation is the goal, services are directed toward ensuring the children's development, safety and well-being in the home of their family and preventing placement of children away from their family. Such families may have been reported to the Department for alleged child abuse or neglect or referred to the Department for services. The service constellation for these children and families may include:
- 1) counseling/advocacy
 - 2) emergency caretaker
 - 3) homemaker
 - 4) family planning
 - 5) parent education
 - 6) self-help groups
 - 7) self-help family shelter
 - 8) intensive family preservation services
 - 9) other placement prevention services
 - 10) referral for substance abuse treatment services
 - 11) referral for substance abuse treatment services

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- 12) referral for financial assistance and employment related day care
- 13) referral for housing assistance or housing advocacy
- 14) referral for legal services

c) Family Reunification

When family reunification is the goal, services are directed toward returning a child to his parent's or private guardian's home when the child was removed because of alleged child abuse or neglect or other reasons. Family reunification services are directed toward helping the children's parent(s) or private guardian(s) achieve minimum parenting standards and ensuring their safety and well-being upon return home. The service constellation for these children and families may include:

- 1) counseling/advocacy
 - 2) homemaker
 - 3) protective and family maintenance day care and child development
 - 4) foster family home care
 - 5) relative home care
 - 6) residential care
 - 7) family planning
 - 8) parent education
 - 9) intensive family preservation services
 - 10) referral for substance abuse treatment services
- d) Adoption
- When adoption or placement of a permanent living arrangement is the goal, services are directed at providing a new legal status in a permanent living arrangement for children who cannot return to their legal families. A goal of permanent living arrangement means that the child is to remain with a relative or foster family permanently and the Department has transferred or intends to transfer legal guardianship to the family. The service constellation for these children may include:

- 1) counseling
 - 2) adoption
 - 3) subsidized guardianship
 - 4) relative home care
 - 5) foster family home care
 - 6) intensive family preservation services
- e) Youth Development

When youth development is the goal, services are directed at helping youth live independently or assisting unmarried youth with planning for the birth or care of their child. Such services may be provided by the Department to youth for whom the Department of Children and Family Services is legally responsible:

- A) Youth 16 years of age or older for whom the Department has legal responsibility, to help them live independently of adult caregiver supervision and achieve economic self-sufficiency; and

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- B) Youth who are high school graduates and have been awarded scholarships in accordance with the Children and Family Services Act [20 ILCS 995]; and
- C) Unmarried pregnant youth for whom the Department has legal responsibility; and
- B) ~~Unmarried pregnant youth under age 18 for whom the Department is not legally responsible.~~
- 2) The service constellation for youth for whom the Department is legally responsible may include:
- counseling/advocacy
 - day care for the children of unmarried youth
 - homemaker
 - family planning
 - maintenance payments or foster family home, relative home or residential care payment except that maternity home payment shall be limited to a maximum of ninety (90) days.
- 3) ~~The only purchased service for unmarried youth for whom the Department is not legally responsible for which the Department will make payment is a maximum of ninety (90) days of maternity home care for unmarried pregnant youth under age 18 at the time of anticipated delivery.~~

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 302.310 Adoption Assistance Agreements

- a) Adoption assistance may be provided to those persons adopting children who are legally free for adoption, who are residents of Illinois, and who the Department has determined have special needs because of which it is reasonable to conclude that the child cannot be adopted unless adoption assistance is provided. Although eligibility for adoption assistance shall be determined regardless of the financial circumstances of the adoptive parents, the types and amounts of assistance under each adoption assistance agreement shall be determined by the Department on an individual basis. The Department shall take into consideration the specific circumstances of the adoptive parents (e.g., parents' taxable income, family size, number of children being adopted at the same time) or the adoptive parents and any special care needs of the child being adopted as described in subsection b)(2) of this Section for behavioral, emotional, medical, physical, educational, intervention, personal, care, and therapy assistance.
- One-time only payments of non-recurring adoption expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a special needs child, up to a maximum of \$150.00 for each adopted child;

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- 2) payments for physical, emotional and mental health needs not wholly payable through insurance or other public resources that are associated with or result from a medical condition(s) whose onset has been established as occurring prior to the completion of the adoption;
- 3) in cases where a child also meets the eligibility requirements of subsection (d) of this Section, ongoing monthly payments in an amount determined in each case by the Department in accordance with subsection (g) of this Section; and the formula described in Appendix B, Calculating the Amount of Adoption Assistance, and subject to adjustment at a each annual review every two years, or more frequently based on changes in the circumstances of the adopted parents and the needs of the child being adopted. If an event shall the monthly adoption assistance payment be greater than \$25 less than the applicable licensed foster family care payment level as adjusted in accordance with Appendix B, at the time the adoption is finalized or in the case of conditional monthly payments described in subsection (f) of this Section, at the time the first monthly payment is made.
- b) For purposes of this Section, a child shall not be considered a child with special needs unless the Department has first determined that:
- her parents, as adjudicated by:

- a judicial adjudication that the child is abused, neglected or dependent or other judicial determination that there is probable cause to believe that a child is abused, neglected or dependent; and
 - a determination by the Department that the child is likely to suffer further abuse or neglect or will not be adequately cared for if returned to the parent(s); and
- 2) the child meets one of the following criteria or is a member of a sibling group being placed together where at least one child meets one of the following criteria: there exists with respect to the child one or more specific factors or conditions (such as his or her ethnic background, age, or membership in a minority or sibling group) or the presence of factors such as documented medical conditions or physical, mental, or emotional handicaps because of which the Department reasonably concludes that such child cannot be placed with adoptive parents without providing adoption assistance; and
- has an irreparable or non-correctable physical, mental, or emotional disability or
 - has a physical, mental, or emotional disability correctable through surgery, treatment, or other specialized services; or
 - is six years of age or older; or
 - is three years of age or older and a racial minority; and
- 3) a reasonable, but unsuccessful, effort has been made to place the

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child with adoptive parents without providing adoption assistance and the prospective adoptive parents are either unwilling or unable to adopt the child without adoption assistance, as evidenced by a written statement from the adoptive parents. A documented search for alternative adoptive placements without adoption assistance shall be made unless the Department determines that such a search is against the best interests of the child because the child has developed significant emotional ties with the prospective adoptive parents while in their foster care.

- c) Adoption assistance agreements as a one-time only payment for non-recurring adoption expenses shall be provided to parents adopting a child who is determined by the Department to have special needs as provided in subsection (b) of this Section. This includes expenses incurred by or on behalf of such parents, in connection with the adoption of a special needs child, either directly or through another public or private agency. These expenses include reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are directly related to the legal adoption of a child with special needs and that are not incurred in violation of State or Federal law. The amount of payments to be made in any specific case shall be determined by the needs of the child being adopted and the availability of pro bono services, and shall not exceed \$1500-00 per adoptive child. The adoptive parents may refuse any or all payments available under this subsection (c) of this Section.

- d) Adoption assistance agreements for ongoing monthly payments and medical assistance may be provided to parents adopting a child who:

1) is determined by the Department to have special needs as provided in subsection (b) of this Section; and

2) meets one of the following three conditions:

- A) was eligible at the time the adoption petition was filed for Aid to Families with Dependent Children (AFDC) under the Provisions of Title IV-A of the Social Security Act in effect as of June 1, 1995 at the time the adoption petition was filed; or

- B) was eligible for foster care maintenance payments under Title IV-E of the Social Security Act at the time the adoption petition was filed; or

- C) was eligible for Supplemental Security Income (SSI) prior to finalization of the adoption; or

- D) the child is from the Department of Children and Family Services and legally responsible when the adoption petition was filed; and

- 3) as determined by the Department to be in need of ongoing monthly permanent payments in order to provide the child with a permanent home; and

- 4) in all cases, other than a child determined to have special needs under subsection (b)(2) of this Section because of a

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documented medical condition or a physical, mental, or emotional disability handicap, the child has been in the care of the Department or another agency or person other than his or her parents pursuant to an order of the court for at least one year prior to the adoption. However, the one year placement requirement is not applicable for sibling groups where at least one sibling is determined to be special needs because of a documented physical, mental, or emotional disability and meets all requirements for adoption assistance.

- e) The Department shall determine whether to provide ongoing monthly payments and the amount of the payment in each individual case by taking into consideration the circumstances of the adoptive parents and the needs, age, and type of placement of the child being adopted as adjusted for any benefits the child will be receiving, such as Social Security, SSI, Veterans' benefits, railroad retirement or black lung benefits, financial settlements, payments, inheritance or life insurance.

- f) For a child with a documented medical condition or physical, mental, or emotional handicap, the ongoing monthly payments may include an amount based on the level of care needed to support the child. In cases where the determination under subsection (b)(2) of this Section is based on a diagnosis that the child may will eventually require care for a documented medical condition or disability related to pre-existing physical, mental, or emotional conditions or risk factors that do not yet require treatment at the time of the adoption, no such payments based on the level of care shall be made at that time. The adoption assistance agreement may provide that such payments be initiated when the child's pre-existing condition or identified risk factors warrant warrant treatment or professional intervention. If such payments are commenced, the ongoing monthly payment shall in no event exceed \$25 less than the amount the child would receive if he or she had the child was in been in foster care at the time the payments are initiated as adjusted in accordance with Appendix B of this Part.

- g) The adoption assistance agreement providing for ongoing monthly payments and medical assistance shall include an agreement with the adoptive parents that the amount of any ongoing monthly payments calculated in accordance with Appendix B of this Part shall be reviewed every two years at least annually and may be readjusted every two years annually or more frequently, based on changed life circumstances of the adoptive parents and the needs of the child being adopted. If the adoption is terminated or the child is placed with the Department's Department, the Department shall determine the determination in accordance with Section 307 of the Department's Department, but can never exceed the amount established when the adoption assistance agreement was finalized. The amounts of ongoing adoption assistance payments are subject to change based on changes in State or Federal law regarding adoption assistance. Adoptive parents may refuse any or all payments offered by the Department.

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- h) A prospective adoptive family being presented with a child determined to be a special needs child shall be made aware of the availability of adoption assistance--the types of assistance available--the amount of payments and, in the case of ongoing monthly adoption assistance payments, that such payments are subject to review at least every two years annually and may be readjusted as set forth in Appendix B subsection--(f)--of this--Section. In order to receive adoption assistance, the child must be placed in the adoptive home and the adoption assistance agreement signed prior to finalization of the adoption.
- i) The type(s), amount and duration of adoption assistance shall be agreed to in writing by the Department and the adoptive parent(s) prior to the finalization of the adoption, and shall be set forth in the adoption assistance agreement, which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the adoptive parents reside currently or in the future and shall contain provisions for the protection of the interests of the child in cases where the adoptive parents and child move to another state while the agreement is in effect. The duration of adoption assistance may not extend beyond age 18 years for--children--for--whom the adoption assistance agreement was negotiated on or after--November--26--1995, although adoption assistance may be provided at the Department's option until the child's 21st birthday if the child has a physical, mental or emotional disability handicap that warrants the continuation of assistance and the child is not eligible for other benefits. The adoption parents of the adoptive child may appeal the Department's decision denying adoption assistance at any time.
- j) The adoptive parent(s) shall notify the Department as soon as practically feasible in writing of a change in address or when the following changes occur which will affect the amount of adoption assistance:
- 1) the child is no longer the legal responsibility of the adoptive parent(s);
 - 2) the child is no longer receiving financial support from the adoptive parent(s);
 - 3) the child no longer requires adoption assistance for the special needs for which adoption assistance was being provided;
 - 4) the child becomes eligible for any benefit payments that would affect the monthly payment, such as Social Security benefits, Supplemental Security Income (SSI) benefits, Veteran's benefits, railroad retirement or black lung benefits, financial settlements, payments, inheritance or gifts; or
 - 5) a change has occurred in the circumstances of the family that is relevant in determining the amount of assistance payments, or
 - 6) there is a change of address.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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- Section 302.320 Counseling or Casework Services
- a) Counseling or casework services are provided to children and families to assist them in resolving or coping with problems as well as to identify, obtain and use community resources and services. Problems addressed include, but are not limited to: unsatisfactory caregiver-child relationships; marital discord; inadequate home management, housekeeping or child care practices; parental illness, handicap, desertion or absence; and, physical or mental handicap, or behavior of the child which adversely affects his ability to adjust to his family, school or community and places the child at risk of harm.
- b) Counseling provided to children in need of a one-to-one relationship with an adult is referred to as advocacy and offered to:
- 1) help children in institutional settings prepare for and adjust to post-institutional care;
 - 2) prevent unnecessary out-of-home placement of children when placement is likely; or
 - 3) help adolescents for whom the Department of Children and Family Services is legally responsible move toward independent functioning and self-sufficiency.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 302.330 Day Care Services

- Day care services are provided to children and families who are clients of the Department in licensed or license exempt day care facilities, in their own homes or in the homes of relatives:
- a) when parents or relative caregivers are away from home during part of the day when an essential component of the service plan due to employment or training; or
 - b) when parents or relative caregivers are unable to care for the child due to illness; or
 - c) when care away from the home for part of the day is essential for the safety and well-being of children and the welfare of the parents or relative caregivers; or
 - d) when the parent's or relative caregiver's ability to care for the children at home during certain hours of the day is impaired; or
 - e) when a child with special developmental needs will benefit from day care services; or
 - f) when a child in foster family care or relative home placement can benefit from day care services.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 302. APPENDIX B Calculating the Amount of Adoption Assistance

a) The monthly adoption assistance subsidy shall not exceed \$25 less than the licensed foster family payment standard for the type of foster care placement in which the child was placed when in foster care immediately prior to finalization of the adoption. The maximum amount of the monthly adoption assistance subsidy will increase whenever the child reaches ages one, five, nine, and 12 (except for specialized foster care rates), and whenever a cost of living increase in the foster care rates is granted.

b) The monthly adoption assistance subsidy shall be reduced based on a graduated income scale starting with the adoptive parents' annual taxable income of \$75,000 (after all deductions have been made on their Federal Income Tax return) in accordance with the chart below.

Taxable Family Income	Percentage of Full Adoption Subsidy Rate
Up to \$74,999	100%
\$75,000 - 79,999	95%
\$80,000 - 84,999	90%
\$85,000 - 89,999	85%
\$90,000 - 94,999	80%
\$95,000 - 99,999	75%
\$100,000 - 104,999	70%
\$105,000 - 109,999	65%
\$110,000 - 114,999	60%
\$115,000 - 119,999	55%
over \$120,000	50%

c) The monthly adoption assistance subsidy will be reduced by the amount of benefits paid on behalf of the child, such as SSA, SSI, Veteran's, Railroad Retirement, Black Lung, or when other income is received for the child.

A7 Lifetime Adoption Assistance-Maximum

Determine the lifetime maximum adoption assistance amount for each child being adopted at this time. This calculation is based on the age of the child at the time of adoption and the type of foster care the child is receiving. The maximum amount is based on the Federal Government's benefit with Social Security Supplemental Security Income, Veterans' benefits, etc. This figure will serve as the maximum monthly adoption assistance amount that can be paid under the adoption assistance agreement.

Maximum-Standard-Rate

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Age-of-Child Maximum

0-through-11-months	\$596-00-per-month
1-through-4-years	\$597-00-per-month
5-through-8-years	\$598-00-per-month
9-through-11-years	\$599-00-per-month
12-through-20-years	\$596-00-per-month

Maximum-Intensive-Rate

Age-of-Child	Maximum
0-through-11-months	\$453-00-per-month
1-through-4-years	\$463-00-per-month
5-through-8-years	\$470-00-per-month
9-through-11-years	\$499-00-per-month
12-through-20-years	\$529-00-per-month

Maximum-Specialized-Rate---The maximum-specialized-rate---is---the specialized-foster-care---rate---adjusted---to-fiscal-Year-1995-dollars minus-\$25-00-

B7 Determine-the-Monthly-Adoption-Assistance-Components

17 Determine-the-basis-maintenance-floor-for-the-number-of-children being-adopted-at-this-time-(from-B-below):

27 Determine-the-basis-care-standard-(also-from-B-below)-for-the number-of-children-who-will-be-supported-by-the-family-after-the adoption-is-consummated---Subtract-30-per-cent-of-the-annual family-income-divided-by-12-minus-the-standard-deduction-of \$350-00--(Test-amount-to-12-minus-if-this-component-is-negative)

37 Multiply-the-extraordinary-level-of-care-score-(eight-or-above) by-\$20-00-for-each-level-of-care-point;

47 Total-amounts-in-steps-1,2,7-and-3.

67 Determine-the-Monthly-Adoption-Assistance-Payments

Determine-which-is-leaster-the-lifetime-adoption-assistance-maximum from-A-above-or-the-total-amount-calculated-in-B-Subtract-any governmental-benefits-the-child-will-continue-to-receive-after-the adoption-from-the-leaster-amount---This-is-the-amount-of-the-monthly adoption-assistance-payment;

B7 Standards-for-Monthly-Adoption-Assistance-Components

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Basic-Maintenance-Standard

N-of-Children 1 2 3 4 5 6 7 8
 \$ 182 201 249 319 399 487 498 469

Basic-Care-Standard

N-of-Children 1 2 3 4 5 6 7 8
 \$ 337 660 873 1132 1366 1529 1682 1845
 effective _____, _____

(Source: Amended at 21 Ill. Reg. _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Fees for Radioactive Material Licenses

2) Code Citation: 32 Ill. Adm. Code 331

3) Section Number: 331.200
 Proposed Action: Amendment

4) Statutory Authority: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 (420 ILCS 40/11).

5) A Complete Description of the Subjects and Issues Involved: The Department adopted an emergency rulemaking on March 19, 1997, which changed the hourly rate for professional staff review to ensure that adequate funds are provided to perform necessary inspection and licensing activities. This amendment is being proposed, for public comment, to cover the topics included in the Emergency Amendment. As stated previously, the current hourly rate specified in the rule does not match the Department's cost associated with these reviews.

6) Will this proposed amendment replace an emergency rule currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The Department does not believe that the proposed changes will affect units of government and will not require units of local government to establish, expand or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Valerie A. Puccini
 Staff Attorney
 Department of Nuclear Safety
 1035 Outer Park Drive
 Springfield, IL 62704
 (217) 785-9881 (voice)
 (217) 782-6133 (TDD)

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENT

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities or not for profit corporations affected: The Department believes that these amendments may affect small businesses that are licensed by the Department to possess, use, distribute, store, treat or dispose of radioactive materials. The Department believes that these rules will not have any direct impact on small municipalities or not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking requires only the payment of a fee incident to licensure and consequently does not require licensees to perform reporting, bookkeeping or other procedures for achieving compliance.
- C) Types of professional skills necessary for compliance: No particular professional skills are necessary for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 31

FEES FOR RADIOACTIVE MATERIAL LICENSES

Section	Purpose
331.10	Scope
331.20	Definitions
331.30	Exemptions
331.110	Exemptions
331.120	Payment of Fees
331.130	Refunds
331.200	Full Cost of Review
331.210	Schedule of Fees For Radioactive Material Licenses (Repealed)
331.310	Failure By Applicant or Licensee To Pay Prescribed Fee
APPENDIX A	Schedule of License Fees (Repealed)
TABLE A	License Fees - Jan. 1, 1988 - Dec. 31, 1988 (Repealed)
TABLE B	License Fees - Jan. 1, 1989 - Dec. 31, 1989 (Repealed)
TABLE C	License Fees - Jan. 1, 1990 - Dec. 31, 1990 (Repealed)
APPENDIX B	Fee Schedule For Radioactive Material Licenses (Repealed)
APPENDIX C	Fee Schedule For Sealed Source And Device Evaluations (Repealed)
APPENDIX D	Fee Schedule For Radioactive Material Licenses

AUTHORITY: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 (420 ILCS 40/11).

SOURCE: Adopted at 10 Ill. Reg. 17239, effective September 25, 1986; amended at 11 Ill. Reg. 20570, effective January 1, 1988; amended at 15 Ill. Reg. 90, effective January 1, 1991; amended at 16 Ill. Reg. 11479, effective July 7, 1992; amended at 18 Ill. Reg. 12131, effective August 1, 1994; emergency amendment at 21 Ill. Reg. 4309, effective March 19, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. _____, effective _____.

Section 331.200 Full Cost of Review

Initial applications, amendments and renewals for licenses designated as full cost in Appendix D of this Part, and evaluations of new sealed sources and devices or amendments to existing sealed sources and device evaluations are assessed fees based on full cost of review. Full review fees cover amendments, renewals and evaluations of existing sealed sources and device evaluations. Fees and amendments to existing sealed source and device evaluations which are to be based on the full cost of review fees are will be calculated based on the following:

- a) The time required by Departmental professional staff to conduct the review, including license file review, travel time, correspondence

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- preparation and supervisory and management review of specific actions, multiplied by the rate specified in subsection (f) of this Section, of \$90.00-per-hour:
- The time required by Departmental professional staff to conduct inspections or perform confirmatory environmental monitoring, including license file review, travel time, correspondence preparation and supervisory and management review of specific actions, multiplied by the rate specified in subsection (f) of this Section. ~~44~~-above
 - For licenses authorizing the possession and use of source material (as defined in 32 Ill. Adm. Code 310.20) and byproduct material (as defined in 32 Ill. Adm. Code 332.20), the Department's cost for overseeing decontamination activities at unlicensed properties contaminated with byproduct material, including, but not limited to, travel time, correspondence preparation, supervisory and management review of specific actions, multiplied by the rate specified in subsection (f) of this Section. ~~44~~-above
 - The cost of standard lab equipment and supplies, special environmental monitoring equipment and servicing of such equipment, incurred by the Department in conjunction with the review, inspections and confirmatory environmental monitoring activities, multiplied by the rate specified in subsection (f) of this Section. ~~44~~-above
 - AGENCY NOTE: These specialized equipment costs may include, but are not limited to, rental of specialized equipment, acquisition of additional professional expertise not available within the Department and laboratory fees charged to the Department.
 - The net 100% fee for full cost reviews shall be:
 - \$110.00 for licenses with material use category 106A, Source Material and Byproduct Material.
 - \$110.00 for licenses with material use category 106B, Source Material that requires a specific radioactive materials license.
 - \$110.00 for licenses with material use category 107, Radioactive Waste.
 - \$110.00 for licenses with material use category 109, Decontamination Facilities; and
 - \$110.00 for evaluations of sealed sources and devices.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

1) Reading of the Part: Children's Respite Care Center Demonstration Program Code

2) Code Citation: 77 Ill. Adm. Code 260

3) Section Numbers: Proposed Action:

260.1000	New Section
260.1050	New Section
260.1100	New Section
260.1200	New Section
260.1300	New Section
260.1400	New Section
260.1500	New Section
260.1600	New Section
260.1700	New Section
260.1800	New Section
260.1900	New Section
260.2000	New Section
260.2100	New Section
260.2200	New Section
260.2300	New Section
260.2400	New Section
260.2500	New Section

4) Statutory Authority: The Alternative Health Care Delivery Act (210 ILCS 3)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements Section 35 of the Alternative Health Care Delivery Act (210 ILCS 3), which requires the Department to establish a demonstration project to evaluate Children's Respite Care Centers as an alternative health care delivery model. These centers will provide short term (up to 14 days) respite care in a homelike environment to medically frail, technologically dependent, clinically stable children. In addition, these centers will provide hospital to home training for families and caregivers; short term transitional care to facilitate placement and training for foster care parents; and parent and family support groups.

No more than eight Children's Respite Centers shall be selected by the Health Facilities Planning Board to participate in the demonstration project. The locations of these centers shall be geographically distributed across the State.

This rulemaking establishes a license application process, defines the obligations and privileges of centers, and establishes the Department's inspection and enforcement procedures. Children's Respite Centers are required to establish policies, procedures and admission practices.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED RULES

Standards for assuring children's rights and services, administering medication, and establishing a quality assurance program are included. Food service, physical plant and personnel requirements are also addressed.

The economic effect of this rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the Illinois Register.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain Any Incorporations By Reference? Yes
- 9) Are there any other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not expand or create a State mandate.

- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the Illinois Register to:

Ms. Gail M. Devito
Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, IL 62761
217-782-6187

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. Devito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

- A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Locations choosing to participate in this

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demonstration project that are selected by the Health Facilities Planning Board.

- B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None

- C) Types of Professional Skills Necessary for Compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Rules begins on the next page:

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TITLE 77: PUBLIC HEALTH

CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 260

CHILDREN'S RESPITE CARE CENTER DEMONSTRATION PROGRAM CODE

Section	
260.1000	Definitions
260.1050	Incorporated and Referenced Materials
260.1100	Demonstration Program Elements
260.1200	Application for and Issuance of a License to Operate a Children's Respite Care Center Model
260.1300	Obligations and Privileges of Children's Respite Care Center Models
260.1400	Inspections and Investigations
260.1500	Notice of Violation and Plan of Correction
260.1600	Adverse Licensure Action
260.1700	Policies and Procedures
260.1800	Admission Practices
260.1900	Child's Rights
260.2000	Child Care Services
260.2100	Medication Administration
260.2200	Personnel
260.2300	Food Service
260.2400	Physical Plant
260.2500	Quality Assessment and Improvement

AUTHORITY: Implementing and authorized by the Alternative Health Care Delivery Act (210 ILCS 3).

SOURCE: Adopted at 21 Ill. Reg. _____, effective _____.

Section 260.1000 Definitions

The following terms shall have the meanings ascribed to them here whenever the term is used in this Part.

Abuse - any physical or mental injury or sexual assault inflicted on a patient other than by accidental means in a facility.

Abuse means:

Physical abuse refers to the infliction of injury on a patient that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

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Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to patients or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent.

Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual assault.

Act - the Alternative Health Care Delivery Act (210 ILCS 3).

Affiliate - means:

With respect to a partnership, each partner thereof;

With respect to a corporation, each officer, director and stockholder thereof;

With respect to a natural person: any person related in the first degree of kinship to that person; each partnership and each partner thereof of which that person or any affiliate of that person is a partner; and each corporation in which that person or any affiliate of that person is an officer, director or stockholder.

Board - the State Board of Health. (Section 10 of the Act)

Charitable Care - the intentional provision of free or discounted services to persons who cannot afford to pay.

Children's Representative - a person authorized by the law to act on behalf of the child.

Children's Respite Care Center - a designated site that provides respite for medically frail, technologically dependent, clinically stable children, up to age 18, for a period of one to 14 days in a home-like environment that serves no more than 10 children at a time. (Section 35(3) of the Act)

Demonstration Program or Program - a program to license and study alternative health care models authorized under the Act. (Section 10

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of the Act)

Department - the *Illinois Department of Public Health*. (Section 10 of the Act)

Dietician - a person who:

is eligible for registration by the American Dietetic Association; or
has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Director - the *Director of Public Health* or designee. (Section 10 of the Act)

Hospital - a facility licensed pursuant to the Hospital Licensing Act [210 ILCS 85].

Inspection - any survey, evaluation or investigation of the Children's Respite Care Center Model's compliance with the Act and this Part by the Department or designee.

Licensed - the person or entity licensed to operate the Children's Respite Care Center Model.

Neglect - a failure in a facility to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a patient or in the deterioration of a patient's physical or mental condition. Neglect means the failure to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a patient or in the deterioration of a patient's physical or mental condition. This shall include any allegation where:

the alleged failure causing injury or deterioration is ongoing or repetitious; or

a patient required medical treatment as a result of the alleged failure; or

the failure is alleged to have caused a noticeable negative impact on a patient's health, behavior or activities for more than 24 hours.

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Physician - a person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 [225 ILCS 60].

Registered Nurse - a person who is licensed as a registered professional nurse under the Illinois Nursing Act of 1987 [225 ILCS 65].

Substantial Compliance - meeting requirements except for variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 260.1200.

Section 260.1050 Incorporated and Referenced Materials

a) The following Illinois statutes and administrative rules of the Department of Public Health are referenced in this Part.

- 1) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
- 2) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
- 3) Food Service Sanitation (77 Ill. Adm. Code 750)
- 4) Drinking Water Systems (77 Ill. Adm. Code 900)
- 5) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)
- 6) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
- 7) Control of Tuberculosis Code (77 Ill. Adm. Code 696)

b) The following private and professional association standards are incorporated in this Part:

- National Fire Protection Association (NFPA) standard No. 101: Life Safety Code, 1994 edition, chapter 23, "Existing Residential Board and Care Occupancies, Impractical", which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269.

c) All incorporations by reference of the standards of nationally recognized organizations refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.

Section 260.1100 Demonstration Program Elements

- a) The Children's Respite Care Center Demonstration Program shall be reviewed annually by the Board to determine if it should continue operation for a period of up to five years, commencing with the effective date of this Part.
- b) A Children's Respite Care Center Model shall be licensed pursuant to this Part to be considered a participant in the Program.
- c) Applications for participation in the Program shall be considered only when a vacancy exists in one of the allocated Program slots for the relevant geographic area.
- d) At the midpoint and end of the Program, the Board shall evaluate and

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make recommendations to the Governor and the General Assembly, through the Department, regarding the Program, in accordance with Section 20(b) of the Act.

- e) The Department shall deposit all application fees, renewal fees and fines collected under the Act and this part into the Regulatory Evaluation and Basic Enforcement Fund in the State Treasury. (Section 25(d) of the Act)

Section 260.1200 Application for and Issuance of a License to Operate a Children's Respite Care Center Model

- a) Applications for a license to operate a Children's Respite Care Center Model shall be in writing on forms provided by the Department. The application shall be submitted under the following conditions:

- 1) Proof of Certificate of Need to establish and operate a Children's Respite Care Center Model issued by the Health Facilities Planning Board under the Illinois Health Facilities Planning Act [20 ILCS 3960];
- 2) The name of the proposed Model;
- 3) The address of the proposed Model;
- 4) A precise description of the site of the proposed Model;
- 5) The maximum occupancy of the Model;
- 6) The name and address of the registered agent or other individual authorized to receive Service of Process for the Model license;
- 7) The name of the person or persons under whose management or supervision the facility will be operated;
- 8) Documentation of compliance with Section 260.2300 of this Part; and
- 9) The Model's admission policies and procedures in accordance with Section 260.1800 of this Part.

- b) An application for initial licensure shall be accompanied by an application fee of \$500 plus \$100 for each bed.

- c) Upon receipt and review of a complete application for licensure, the Department shall conduct an inspection to determine compliance with the Act and this Part.

- d) If the proposed Model is found to be in substantial compliance with the Act and this Part, the Department shall issue a license for a period of one year. The license shall not be transferable; it is issued to the licensee and for the specific location and number of beds identified in the application.

- e) An application for license renewal shall be filed with the Department 90 to 120 days prior to the expiration of the license, on forms provided by the Department.

- 1) The renewal application shall comply with the requirements of subsections (a) and (b) of this Section; and
- 2) Upon receipt and review of a complete application for license renewal, the Department may conduct a survey. The Department shall renew the license in accordance with subsection (d) of this

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Section.

- f) The Department may issue a provisional license to any Children's Respite Care Center Model that does not substantially comply with the provisions of the Act and this Part:
- 1) A provisional license may be issued only if the Department finds that:

- A) The Model has undertaken changes and corrections which upon completion will bring the Model into substantial compliance with the Act; and
 - B) The health and safety of the Patients in the Model will be protected during the period for which the provisional license is issued. (Section 30(c) of the Act)
- 2) The Department shall advise the applicant or licensee of the conditions under which the provisional license is issued, including:

- A) The manner in which the Model fails to comply with the provisions of the Act;
 - B) The changes and corrections that shall be completed;
 - C) The time within which the necessary changes and corrections shall be completed (Section 30(c) of the Act); and
 - D) The interim actions that are necessary to protect the health and safety of the patients.
- g) The Children's Respite Care Center Model license or provisional license shall be prominently displayed in an area accessible to the public.

Section 260.1300 Obligations and Privileges of Children's Respite Care Center Models

- a) Children's Respite Care Center Models shall, within 30 days after licensure, seek certification under Titles XVIII and XIX of the federal Social Security Act. (Section 30(d) of the Act) Coverage for services provided by the Illinois Department of Public Aid is contingent upon federal waiver approval and is provided only to Medicaid eligible clients participating in the Home and Community Based Services waiver designated in Section 1915(c) of the Social Security Act for medically frail and technologically dependent children. (Section 35(3) of the Act)

- b) Children's Respite Care Center Models shall provide charitable care consistent with that provided by comparable health care providers in the geographic area. (Section 30(d) of the Act)

- c) A licensed Children's Respite Care Center Model that continues to be in substantial compliance after the conclusion of the demonstration program shall be eligible for annual license renewals unless and until a different licensure program for that type of health care model is established by legislation. (Section 30(c) of the Act)

- d) Each Children's Respite Care Center Model shall be a facility physically separate and apart from any other facility licensed by the

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Department of Public Health. (Section 35(3) of the Act)

- e) *At a minimum, Children's Respite Care Center Models shall provide out-of-home respite care; hospital to home training for families and caregivers; short term transitional care to facilitate placement and training for foster care parents; and parent and family support groups. (Section 35(3) of the Act)*

Section 260.1400 Inspections and Investigations

- a) *The Department shall perform licensure inspections of Children's Respite Care Center Models, as deemed necessary, to ensure compliance with the Act and this Part. (Section 25(c) of the Act)*
- b) *All facilities to which this Part applies shall be subject to and shall be deemed to have given consent to all inspections by properly identified personnel of the Department, or by other such properly identified personnel as the Department might designate. In addition, representatives of the Department shall have access to and may reproduce or photocopy any books, records and other documents maintained by the facility or the licensee to the extent necessary to carry out the Act and this Part.*
- c) *The Department shall investigate an applicant or licensee whenever it receives a verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for the denial or an application for a license, refusal to renew a license, or suspension or revocation of a license. (Section 50 of the Act)*
- d) *The Department may also investigate an applicant or licensee on its own motion or based upon complaints received by mail, telephone or in person. (Section 50 of the Act)*

Section 260.1500 Notice of Violation and Plan of Correction

- a) *Upon determination that the licensee or applicant is in violation of the Act or this Part, the Department shall issue a written Notice of Violation and request a plan of correction. The notice shall specify the violations, and shall instruct the licensee or applicant to submit a plan of correction to the Department within 10 days after receipt of the Notice.*
- b) *Within the ten-day period, a licensee or applicant may request additional time for submission of the plan of correction. The Department may extend the period for submission of the plan of correction for an additional 30 days, when the Department finds that corrective action by a facility to abate or eliminate the violation will require substantial capital improvement. The Department will consider the extent and complexity of necessary physical plant repairs and improvements and any impact on the health, safety, or welfare of the patients of the facility in determining whether to grant a requested extension.*
- c) *Each plan of correction shall be based on an assessment by the*

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facility' of the conditions or occurrences that are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the facility. Each plan of correction shall include:

- 1) A description of the specific corrective action the facility is taking, or plans to take, to abate, eliminate, or correct the violation cited in the Notice.
- 2) A description of the steps that will be taken to avoid future occurrences of the same and similar violations.
- 3) A specific date by which the corrective action will be completed.
- d) Submission of a plan of correction shall not be considered an admission by the facility that the violation has occurred.
- e) The Department shall review each plan of correction to ensure that it provides for the abatement, elimination, or correction of the violation. The Department shall reject a submitted plan only if it finds any of the following deficiencies:
 - 1) The plan does not appear to address the conditions or occurrences that are the basis of the violation and an evaluation of the practices, policies, and procedures that have caused or contributed to the conditions or occurrences.
 - 2) The plan is not specific enough to indicate the actual actions the facility will be taking to abate, eliminate, or correct the violation.
 - 3) The plan does not provide for measures that will abate, eliminate, or correct the violation.
 - 4) The plan does not provide steps that will avoid future occurrences of the same and similar violations.
 - 5) The plan does not provide for timely completion of the corrective action, considering the seriousness of the violation, any possible harm to the patients, and the extent and complexity of the corrective action.
- f) The Department shall notify the licensee or applicant in writing of the acceptance or rejection of the plan of correction, including specific reasons for the rejection of the plan. The facility shall have 10 days after receipt of notice of rejection in which to submit a modified plan that addresses the requirements of subsection (c) of this Section.
- g) If a licensee or applicant fails to make a timely submission of a modified plan of correction, or such modified plan is not acceptable to the Department, a plan of correction shall be specified and imposed by the Department.
- h) The Department shall verify the completion of the corrective action required by the plan of correction within the specified time period during subsequent investigations, surveys and evaluations of the facility.

Section 260.1600 Adverse Licensure Action

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- a) Before denying a license application, refusing to renew a license, suspending a license, revoking a license or assessing an administrative fine, the Department shall notify the applicant or the licensee in writing. The notice shall specify the charges or reasons for the Department's contemplated action, and shall provide an opportunity to file a request for a hearing within 10 days after receiving the notice. (Section 50 of the Act)
- 1) A failure to request a hearing within 10 days shall constitute a waiver of the applicant's or licensee's right to a hearing. (Section 50 of the Act)
 - 2) The hearing shall be conducted by the Director or an individual designated in writing by the Director as an Administrative Law Judge, and shall be conducted in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings and the Act. (Section 45 of the Act)
 - b) A license may be denied, suspended, or revoked, or the renewal of a license may be denied or an administrative fine assessed, for any of the following reasons:
 - 1) Violation of any provision of the Act or this Part;
 - 2) Conviction of the owner or operator of the Children's Respite Care Center Model of a felony or of any other crime under the laws of any state or of the United States arising out of, or in connection with, the operation of a health care facility. The record of conviction or a certified copy of it shall be conclusive evidence of conviction;
 - 3) An encumbrance on a health care license issued in Illinois or any other state to the owner or operator of the Children's Respite Care Center Model;
 - 4) Revocation of any facility license issued by the Department during the previous five years or surrender or expiration of the license during the pendency of action by the Department to revoke or suspend the license during the previous five years if:
 - A) The prior license was issued to the individual applicant or a controlling owner or controlling combination of owners of the applicant; or
 - B) Any affiliate or the individual applicant or controlling owner of the applicant or affiliate of the applicant was a controlling owner of the prior license. (Section 45 of the Act)
 - c) An action to assess an administrative fine may be initiated in conjunction with or in lieu of other adverse licensure action.
 - d) The amount of an administrative fine shall be determined based on consideration of the following:
 - 1) The nature and severity of the violation(s);
 - 2) The facility's diligence in correcting the violation(s);
 - 3) Whether the facility had been previously cited for similar violation(s);
 - 4) The number of violation(s);

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- 5) The duration of uncorrected violation(s); and
- 6) The impact or potential impact of the violation(s) on the children's health and safety.
- e) The administrative fine shall be calculated in relation to the number of days the violation existed, or continues to exist if it has not been corrected. The total amount of the fine assessed shall fall within the following parameters:
 - 1) For a violation that occurred as a single event or incident—between \$100 and \$5,000 per violation;
 - 2) For a violation that was or is continuing beyond a single event or incident—between \$100 and \$500 per day per violation.

Section 260.1700 Policies and Procedures

- a) The facility shall have policies and procedures that implement and are consistent with the provisions of this Part.
- b) The facility shall have infection control policies and procedures, which shall include at least the following:
 - 1) Compliance with the Department's rules entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690);
 - 2) The use of universal precautions and isolation techniques;
 - 3) A continuing program of instruction for all personnel on the mode of spread of infections; and
 - 4) Posted handwashing techniques.
- c) The facility shall provide for the registration and disposition of complaints without threat of discharge or other reprisal against any employee, volunteer, child or child's representative.
- d) The facility shall have policies covering disaster preparedness, including a written plan for staff and children to follow in case of fire, explosion, severe weather or other hazardous circumstance or emergency.
 - 1) All personnel shall be trained in the proper use of a fire extinguisher.
 - 2) All personnel shall be trained in the evacuation plan.
- e) The facility shall develop, with the approval of the medical director, policies and procedures to be followed during various medical emergencies. The types of medical emergencies addressed should be based on the needs of the children being served and may include, but are not limited to, foreign body aspiration, poisoning, allergic reactions, asthma, convulsions, insulin shock, and acute respiratory distress.

Section 260.1800 Admission Practices

- a) The facility shall establish admission criteria that provide for:
 - 1) The admission of children for no more than 14 days;
 - 2) The admission of children whose service plan can be met by the facility; and

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visits at any reasonable hour unless such visits are not medically advisable for the child or are contrary to the directions of the child's representative as documented in the child's service plan. The facility shall allow daily visiting. Visiting hours shall be posted in plain view of visitors. The facility management shall ensure that space for visits is available and that facility personnel knock, except in an emergency, before entering any child's room.

p) No visitor shall enter the immediate living area of any child without first identifying himself/herself and then receiving permission from the child to enter. The rights of other children present in the room shall be respected. Facility staff may terminate visits or provide other accommodations for the visit if they are so requested by the child, or the visitor is involved in behavior violating other children's rights.

q) A child shall be voluntarily discharged from a facility after the child's representative gives facility management, a physician, or a nurse of the facility written notice of the desire to be discharged. A child shall be discharged upon written consent of the child's representative unless there is a court order to the contrary. In such cases, upon the child's discharge, the facility is relieved of any responsibility for the child's care, safety or well-being.

r) The facility shall establish involuntary discharge procedures in accordance with subsection (s) of this Section, which shall include at least the following:

- 1) Child's behavior that may result in involuntary discharge;
- 2) Child's decline in medical condition that may result in involuntary discharge;
- 3) Child, parent, and child's representative counseling that may be provided to avoid involuntary discharge;
- 4) Child's parent and child's representative notification concerning involuntary discharge; and
- 5) Time frames between counseling, notice, and involuntary discharge.

s) A facility may involuntarily transfer or discharge a child only for one or more of the following reasons:

- 1) The child's medical condition;
 - 2) The child's physical safety; and
 - 3) The child's action that directly impinges on the physical safety of other children, the facility staff or facility visitors.
- t) A licensed facility manager, employee, volunteer or agent of a facility shall not abuse or neglect a child.
- u) A facility employee shall not neglect a child who becomes aware of abuse or neglect of a child shall immediately report the matter to the facility manager or designee.
- v) Upon becoming aware of abuse or neglect, the facility manager or designee shall immediately report the matter by telephone and in writing to the child's representative and the Department.

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Section 260.2000 Child Care Services

a) The licensee shall provide services as necessary to implement and support the child's service plan and overall needs, including provisions for:

- 1) Case management;
 - 2) Fostering maximum independence of the child; and
 - 3) Protection of the child's rights, privacy and dignity.
- b) The licensee shall have one or more transfer agreements with hospitals to provide emergency care to children.
- c) The licensee shall provide recreational and leisure activities for children during their stay.
- d) A written summary of the child's stay shall be sent home with each child. The summary shall contain documentation of any extreme (positive or negative) occurrences and any information that will increase continuity of services.
- e) All information related to the child, the child's representative or the child's service plan is confidential and shall be accessible only to those individuals who need the information to assure appropriate service delivery.

Section 260.2100 Medication Administration

a) Except for medications allowed in subsection (b) of this Section, the only medications allowed in the facility are those for particular individual children. The medication of each child shall be kept and stored in the original container received from the pharmacy.

- 1) Each multidose medication container shall indicate the child's name, physician's name, prescription number, name, strength and quantity of drug, date this container was last filled, the initials of the pharmacist filling the prescription, the identity of the pharmacy, the refill date and any necessary special instructions.

2) Each single unit or unit dose package shall contain the proprietary and nonproprietary name of the drug and the strength of the dose. The name of the child and the physician do not have to be on the label of the package, but they must be identified with the package in such a manner as to assure that the drug is administered to the correct resident.

- b) A facility may stock a small supply of medications regularly available without prescription at a commercial pharmacy, such as: noncontrolled cough syrups, laxatives, and analgesics. These shall be given to a child only upon the order of a physician.
- c) The facility shall have a first aid kit that contains items appropriate to treat minor cuts, scrapes, burns, abrasions, etc.
- d) All medications shall be properly stored in a secured location not accessible to unauthorized individuals.
- e) All medications shall be sent home with the child for whom the

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medication was prescribed.

Section 260.2200 Personnel

- a) Each facility shall develop and maintain written personnel policies, which are followed in the operation of the facility.
- b) Each employee shall have an initial health evaluation, which shall be used to ensure that employees are not placed in positions that would pose undue risk of infection to themselves, other employees, children or visitors.

- 1) The initial health evaluation shall be completed not more than 30 days prior to nor 30 days after the employee's first day of employment.
- 2) The initial health evaluation shall include a health inventory from the employee, including an evaluation of the employee's immunization status.
- 3) The initial health evaluation shall include tuberculin testing in accordance with the Department's rules entitled "Control of tuberculosis Code" (77 Ill. Adm. Code 696).
- c) The licensee shall provide adequate, properly trained and supervised staff to meet each child's service plan.
- d) The licensee shall designate a facility manager.
- e) There shall be at least one registered nurse at the facility at all times that child is present and at least one other staff person shall be present at the facility at all times that a child is present.

- f) The facility shall have a medical director who is a physician with expertise in chronic diseases of children. The medical director shall have responsibilities for reviewing medical protocols, resolving issues with children's personal physicians and providing medical advice when a child's personal physician is not available.

- g) The licensee shall define, through job descriptions, minimum education and experience requirements for all staff, consultants and contract staff providing services to the Children's Respite Care Center Model.
- h) The licensee shall provide an initial orientation and routine, pertinent training to all staff. This training may include return demonstration, one-on-one training, small group exercises or lecture. All training shall be documented with:

- 1) date;
- 2) instructor(s);
- 3) short description of content; and
- 4) participants' written and printed signatures.

Section 260.2300 Food Service

- a) At least three meals a day shall be served. Every effort shall be made to meet dietary patterns that are routine to an individual child as described in the service plan.
- b) Snacks shall be offered between meals and at bedtime.

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- c) If a child refuses the food served, reasonable and nutritionally appropriate substitutions shall be served.
- d) Menus shall be planned at least one week in advance. All menus, as actually served, shall be kept on file for not less than 30 days.
- e) Supplies of staple foods for a minimum of one week and of perishable foods for a minimum of two days shall be maintained on the premises.
- f) All food served shall be prepared in accordance with the Department's rules entitled "Food Service Sanitation" (77 Ill. Adm. Code 750).

Section 260.2400 Physical Plant

- a) Buildings shall meet the requirements established in the National Fire Protection Association Standard 101, Life Safety Code, 1994 edition, Chapter 23, Existing Residential Board and Care Occupancies, Impractical, and other referenced chapter requirements.

- b) Buildings shall be only one story in height or if a building has multiple stories, children shall be served only on the main story.
- c) Children over six years of age occupying the same bedroom shall be of the same gender unless the children are siblings.

- d) An individual shall not need to go through a child's bedroom to reach any other area of the building.

- e) The facility shall be kept in a clean, safe, and orderly condition and in good repair.

- 1) Electrical, mechanical, heating/air conditioning, fire protection and sewage disposal systems shall be maintained.

- 2) Furnishings and furniture shall be maintained in a clean, safe condition.

- 3) Attics, basements, stairways, and similar areas shall be kept free of accumulation of refuse, newspapers, boxes, and other items.

- 4) Bathing, shower stalls and lavatories shall not be used for janitorial, laundry or storage purposes.

- 5) All cleaning compounds, insecticides and all other potentially hazardous compounds or agents shall be stored in locked cabinets or rooms.

- f) Every facility shall have an effective means of supplying clean linen.

- 1) Clean linen shall be protected from contamination during handling, transport and storage.

- 2) Soiled linen shall be handled, transported and stored in a manner that protects individuals and the special from contamination. Soiled diapers shall be placed in special diaper receptacles immediately after removal from the patient.

- g) Each child shall be provided with a bed that meets his/her developmental needs and size.

- h) The water supply shall comply with all applicable State codes and local ordinances. Each facility shall be served by:

- 1) Water from a municipal water system; or
- 2) A water supply that complies with the Department's rules entitled

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"Drinking Water Systems" (77 Ill. Adm. Code 900); or

- 3) A water supply that complies with the Department's rules entitled "Public Area Sanitary Practice Code" (77 Ill. Adm. Code 895).
- 4) All sewage and liquid wastes shall be discharged into a public sewage disposal system; or shall be collected, treated, and disposed of in a private sewage disposal system that is designed, constructed, maintained and operated in accordance with the Department's rules entitled "Private Sewage Disposal Code" (77 Ill. Adm. Code 905).

Section 260-2500 Quality Assessment and Improvement

- a) The licensee shall develop and implement a quality assessment and improvement program designed to meet at least the following goals:
 - 1) Ongoing monitoring and evaluation of the quality and accessibility of care and services provided at the facility or under contract, including but not limited to:
 - A) Admission of children appropriate to the capabilities of the facility;
 - B) Client satisfaction;
 - C) Costs for delivery of services; and
 - D) Infection control and safety.
 - 2) Identification and analysis of problems.
 - 3) Identification and implementation of corrective action or changes in response to problems.
- b) The program shall operate pursuant to a written plan, which shall include, but not be limited to:
 - 1) A detailed statement of its goals;
 - 2) The methodology and criteria that will be used to meet each stated goal;
 - 3) The action plans for addressing problems;
 - 4) Procedures for evaluating the effectiveness of action plans and revising action plans to prevent recurrence of problems;
 - 5) Procedures for documenting the activities of the program; and
 - 6) Identification of the persons responsible for administering the program.
- c) The licensee shall afford the Department and the Board access to any materials or documents generated pursuant to the facility's quality assessment and improvement program or that otherwise relate to client demand, utilization and satisfaction; cost effectiveness; financial viability of the facility; and access to services. Such information shall be used by the Department and the Board to evaluate and assess the facility in relation to the Demonstration Program.

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NOTICE OF PROPOSED AMENDMENTS

- 1) **Heading of the Part:** Subacute Care Hospital Demonstration Program Code
 - 2) **Code Citation:** 77 Ill. Adm. Code 270
 - 3) **Section Numbers:** 270-1200
Proposed Action: Amendments
 - 4) **Statutory Authority:** Alternative Health Care Delivery Act (210 ILCS 3)
 - 5) **A Complete Description of the Subjects and Issues Involved:** The rules in Part 270 establish licensure standards for facilities participating in the subacute care demonstration program under the Alternative Health Care Delivery Act (210 ILCS 3). The proposed amendments implement Public Act 89-395, effective August 16, 1993, which amended the Alternative Health Care Delivery Act to allow certain Alternative Health Care Models to be licensed without obtaining a Certificate of Need from the Health Facilities Planning Board (Board).
- Section 270-1200 is being amended to state that an application for licensure must include proof of a Certificate of Need or proof of compliance with Section 36.5 of the Act.
- Under Section 36.5 of the Act, a Subacute Care Hospital Model will be exempt from obtaining a Certificate of Need if: (1) the application was filed with the Board prior to September 1, 1994; (2) the application was received by the Board and was awarded at least the minimum number of points required for approval by the Board or, if the application was withdrawn prior to Board action, the staff report recommended at least the minimum number of points required for approval by the Board; and (3) the applicant complies with all regulations of the Illinois Department of Public Health to receive a license pursuant to Section 35 of the Act.
- 6) **Will this Rulemaking Replace an Emergency Rule Currently in Effect?** No
 - 7) **Does this Rulemaking Contain an Automatic Repeal Date?** No
 - 8) **Does this Rulemaking Contain Any Incorporations By Reference?** No
 - 9) **Are there any other Proposed Amendments Pending on this Part?** No
 - 10) **Statement of Statewide Policy Objectives:** This rulemaking does not create or expand a State Mandate.
 - 11) **Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:** Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

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licensee;

- 3) The name of the proposed Model;
 - 4) The address of the proposed Model, if it is a free standing building;
 - 5) A precise description of the site of the proposed Model, and if it is located within the hospital or skilled nursing home, the room numbers of those rooms which will be used as subacute care beds;
 - 6) The name of subacute care beds;
 - 7) The name and address of the registered agent or other individual authorized to receive Service of Process for the Model license; and
 - 8) The name of the person or persons under whose management or supervision the facility will be operated.
- c) An application for initial licensure shall be accompanied by an application fee of \$500 plus \$100 for each subacute care hospital model bed.
- d) Upon receipt and review of a complete application for licensure, the Department shall conduct an inspection to determine compliance with the Act and this Part.
- e) If the proposed Model is found to be in substantial compliance with the Act and this Part, the Department shall issue a license for a period of one year.
- 1) The license shall not be transferable; it is issued to the licensee and for the specific location and number of beds identified in the application;
 - 2) The license shall become automatically void and shall be returned to the Department if the facility's hospital or skilled nursing home license is revoked, nonrenewed or relinquished, denied, forfeited or suspended.
- f) An application for license renewal shall be filed with the Department 90-120 days prior to the expiration of the license, on forms provided by the Department.
- 1) The renewal application shall comply with the requirements of subsections (a), (b) and (c) of this Section; and
 - 2) Upon receipt and review of a complete application for license renewal, the Department may conduct a survey. The Department shall renew the license in accordance with subsection (e) of this Section.
- g) The Department may issue a *provisional license* to any subacute care hospital model that does not substantially comply with the *provisions* of the Act and this Act:
- 1) *Provisional license* may be issued only if the Department finds that:
 - A) The model has undertaken changes and corrections which upon completion will render the model in substantial compliance with the Act; and
 - B) The health and safety of the patients in the model will be

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- protected during the period for which the provisional license is issued. (Section 30 (c) of the Act)
- 2) The Department shall advise the applicant or licensee of the conditions under which the *provisional license* is issued, including:
 - A) The manner in which the model fails to comply with the provisions of the Act;
 - B) The changes and corrections that shall be completed;
 - C) The time within which the necessary changes and corrections shall be completed (Section 30 (c) of the Act); and
 - D) The interconnections that are necessary to protect the health and safety of patients.
 - h) The Subacute Care Hospital Model license or provisional license shall be prominently displayed in an area accessible to the public.
 - i) Except for the Designated Site, a Subacute Care Hospital Model licensed under this Part shall operate in conformance with the Hospital Licensing Act of Nursing Home Care Act, and the rules promulgated thereunder, corresponding to its primary facility license, for all matters and requirements not specifically addressed in this Part.
 - j) The Designated Site shall comply with the operational requirements of the Nursing Home Care Act and the rules promulgated thereunder unless the Designated Site obtains a license to operate as a different type of health care facility, in which case the Designated Site must comply with the licensing requirements for that type of facility. The Designated Site need not be licensed as a nursing home.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Numbers: Proposed Action
1040.70 Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)] and Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII].
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking is being amended to retitle the Section to Problem Driver Pointer System, incorporating new definitions and penalties regarding fictitious and fraudulent driver's licenses, permits and identification cards..
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rulemaking contain incorporations by reference? No, this amendment does not contain incorporations by reference.
- 9) Are there any other amendments pending on this part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1040.32	Amendment	March 14, 1997 (21 Ill. Reg. 3060)

10) Statement of Statewide Policy/ Objectives: This rulemaking will have no effect on units of local government.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Mark A. Novak
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356

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- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.
- 13) Regulatory agenda on which this rulemaking was summarized: January 1997
- The full text of the proposed rule begins on the next page.

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TITLE 92: TRANSPORTATION
CHAPTER II: STATECANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS
PART 1040

- Section 1040.10 Court to Forward Licenses and Reports of Convictions
- 1040.20 Illinois Offense Table
- 1040.25 Suspension or Revocation for Driving Without a Valid Driver's License
- 1040.30 3 or More Traffic Offenses Committed Within 12 Months
- 1040.31 Operating A Motor Vehicle During a Period of Suspension or Revocation
- 1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
- 1040.35 Commission of an Offense Requiring Mandatory Revocation or Discretionary Suspension or Revocation Upon Conviction
- 1040.38 Commission of a Traffic Offense in Another State
- 1040.40 Repeated Convictions or Collisions
- 1040.41 Suspension of Licenses for Curfew Violations
- 1040.42 Fleeing and Eluding
- 1040.43 Illegal Transportation
- 1040.46 Fatal Accident and Personal Injury Suspensions or Revocations
- 1040.48 Vehicle Emission Suspensions
- 1040.50 Suspension or Revocation of a License of Commercial Vehicle Driver
- 1040.55 Suspension or Revocation for Driver's License Classification Violations
- 1040.60 Release of Information Regarding a Disposition of Court Supervision
- 1040.65 Offenses Occurring on Military Bases
- 1040.66 Invalidation of a Restricted Driving Permit
- 1040.70 Problem Driver Pointer System National-Register
- 1040.80 Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card
- 1040.100 Recissions
- 1040.101 Renatements
- 1040.102 Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1977; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg.

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3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 11 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2149, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16193, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. _____, effective _____.

Section 1040.70 Problem Driver Pointer System National-Register

a) For purposes of this Section, the following definitions shall apply:

"Applicant" - person applying for an Illinois driver's license.

"Cancellation" - the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license since his/her driving privileges are withdrawn suspended-or-revoked in another state as provided for in Section 1040.20 of this Part, and as defined in Section 1-110 of the Illinois Vehicle Code [625 ILCS 5/1-110] (1111-Rev-Stat-1987-ch-95-1/2-Part-110).

"Clean File" - a file that a state submits to the National Driver Register (NDR) containing all appropriate records from the state as of a given date, which will replace all prior records on the NDR database.

"Clearance Letter" - any document received from another state dated within 30 days prior to the current process date, and

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verifying that an individual has had his/her his-or-her driving privileges restored in that state.

"Conviction" - a final adjudication of guilty by a court of competent jurisdiction either after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default as defined in Section 6-100 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-100] (tttt--Rev--Stat--1987, ch--95-1/27--par--6-100).

"Delayed Search" - the planned, repeated checking of inquiries submitted to the NDR for a period of 104 days against any possible data changes that may affect the original inquiry.

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Driver History Record" - a standardized form of limited information obtained from the SOR when an SOI makes a history request.

"Driver Status" - the current standing of a driver's license in the SOR, indicating whether the license is currently valid, revoked, suspended or withdrawn, that is supplied via computer automation when an SOI makes an inquiry to an SOR.

"National Driver Register" - a computerized database of files on drivers maintained by the U.S. Department of Transportation National Highway Safety Administration.

"Open or Pending Revocation(s)" - revocation(s) which is still in effect or which has been entered on the record to become effective on a specified future date.

"Problem Driver Pointer System (PDPS)" - a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by driver's home state (SDP) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Restricted Driving Permit" - permit-granting-limited-driving privileges-to persons who have had their driving privileges suspended, revoked, or cancelled as defined in Section 6-103 of the Illinois Vehicle Code (tttt--Rev--Stat--1987--ch--95-1/27--par--6-103-11).

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"Revocation" - the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after expiration of at least one year after the date of revocation as provided for in Section 1040.20 of this Part, and as defined in Section 1-176 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/1-176] (tttt--Rev--Stat--1987, ch--95-1/27--par--1-176).

Secretary" - Illinois Secretary of State.

"State of Inquiry (SOI)" - a licensin jurisdiction that originated the inquiry.

"State of Record (SOR)" - a licensin jurisdiction that originally took action against a problem driver and reported that driver to the NDR.

"Suspension" - the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as provided for in Section 1040.20 of this Part, and as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204] (tttt--Rev--Stat--1987--ch--95-1/27--par--1-204).

"Termination of Suspension" - suspension which has ended.

"Withdrawal" - the absence of valid driving privileges in a state due to sanctions taken against those privileges.

- b) PDPS information is made available to this Department to determine eligibility for license issuance and an out-issuance sanction, if applicable. When a reliable match is a result of an inquiry search, the system points the inquiry licensing jurisdiction (SOI) to the licensing jurisdiction that recorded the adverse action against the driver in question (SOR). National Driver Register--(NDR)--information shall be requested by the Department from the United States Department of Transportation--National Highway Traffic--Safety Administration--verifying--if an applicant has been denied driving privileges or has had his/her driving privileges withdrawn in another state--The Secretary--shall--then--contact--the other--state--to--confirm--the information received from the National Driver Register--
- c) If the person has been denied issuance of an Illinois license, certain

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information shall be required from the other state and/or applicant, and upon review of the information, a determination of the individual's eligibility for licensure in the State of Illinois will be made. Where a determination is made that the new applicant is not eligible for an Illinois license due to his/her driving privileges being withdrawn in another state, the Department shall cancel the driver's license and/or permit pursuant to Section 6-201(a)(5) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (4115 Rev. Stat. 1997, ch. 95-1/2, par. 6-201(a)(5)).

d) The Department will receive a daily report which will identify selected applicants issued an Illinois license to determine if the new applicant is eligible to retain his/her Illinois license or privilege. The Department shall then verify the validity of the applicant's driving status by contacting the SOR/NDH.

e) If it is determined from the review that the applicant is not eligible for an Illinois license due to his/her driving privileges being withdrawn in another state, the Department shall cancel the driving privileges pursuant to Section 6-201(a)(5) of the Illinois Vehicle Code 1625 ILCS 5/6-201(a)(5).

f) If a person has falsified information on his/her application for a driver's license, he/she shall be suspended pursuant to Section 6-206(a)(9) of the Illinois Vehicle Code 1625 ILCS 5/6-206(a)(9) for twelve (12) months if it is his/her first offense. If it is his/her second offense or if the driving record contains an open or pending revocation(s), his/her driving privileges shall be revoked pursuant to Section 6-206(a)(9) of the Illinois Vehicle Code.

g) If the person has been denied driving privileges or has his/her driving privileges withdrawn by a state other than Illinois, certain information shall be required from the state that denied the applicant's license or withdrew the license. If the applicant is not eligible for the conviction upon which the state's action was based, if the other state's action was based on a conviction.

h) The Department shall contact the other state to determine the accuracy of the information reported by the National Driver Register and to determine if the person has had his/her driving privileges restored. After cancellation, full driving privileges shall not be restored until after restoration in the other state and a clearance letter or verification from that state is received and processed by the Department.

i) If a person's driving privileges have been suspended, his/her driving privileges shall be restored at the termination of the suspension and upon acceptance of the required reinstatement fee as provided for in Section 6-118 of the Illinois Driver Licensing Law of the Illinois Vehicle Code 1625 ILCS 5/6-118 (4115 Rev. Stat. 1997, ch. 95-1/2, par. 6-118). If a person's driving privileges have been revoked, he/she is eligible to be considered for reinstatement of his/her

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driving privileges after the successful completion of all necessary requirements of the Department pursuant to Section 2-110 of the Illinois Vehicle Code 1625 ILCS 5/2-110, expiration of at least one year after the date of revocation and upon acceptance of the required reinstatement fee.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) Section Number: Proposed Action:
1010.180 New Section
1010.185 New Section
- 4) Statutory Authority: Authorized by Ch.3 and Section 2-104 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)]
- 5) A Complete Description of the Subjects and Issues Involved: Clarifies existing Secretary of State policy with respect to specially constructed vehicles.
- 6) Will this proposed rule replace an emergency rule currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other amendments pending on this Part? There are proposed amendments pending on Sections 115, 125, and 130, but the Secretary of State has decided not to adopt these amendments, and they will expire on April 12, 1997.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking. Written comments may be submitted within 45 days to:

Carol Sudman, Assistant Counsel
298 Howlett Building
Springfield, Illinois 62756
217/785-1094

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This rule will not affect any business, not for profit entity, or unit of local government.
- B) Reporting, bookkeeping or other procedures required for compliance: No additional reporting requirements are imposed.

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- C) Types of professional skills necessary for compliance: No professional skills are relevant to this rulemaking.
- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997
- The full text of the proposed amendment appears on the following page:

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NOTICE OF PROPOSED AMENDMENTS
TITLE 92: TRANSPORTATION
CHAPTER 11: SECRETARY OF STATE

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NOTICE OF PROPOSED AMENDMENTS
Surrender of Plates, Decals or Cards

PART 1010
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART E: SPECIAL PERMITS AND PLATES

SUBPART A: DEFINITIONS

Section

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Owner - Application of Term
Secretary and Department

Salvage Certificate - Additional Information Required to Accompany
Application for a Certificate of Title for a Rebuilt or a Restored
Vehicle Upon Surrendering Salvage Certificate

Salvage Certificate - Assignments and Reassignments

Exclusiveness of Lien on Certificate of Title

Documents Required to Title and Register Imported Vehicles Not
Manufactured in Conformity with Federal Emission or Safety Standards

Transferring Certificates of Title Upon the Owner's Death

Repossession of Vehicles by Lienholders and Creditors

Junking Notification

Specialty Constructed Vehicles - Defined

Section

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- 1010.720 Vehicle Apportionment
- 1010.725 Trip Leasing
- 1010.730 Intrastate Movements, Foreign Vehicles
- 1010.735 Intrastate Movements
- 1010.740 Trip and Short-term Permits
- 1010.745 Signal Permit for Foreign Registration Vehicles (Repealed)
- 1010.750 Signal 30-Year-Round for Forfeited Plates of Leased Vehicles (Repealed)
- 1010.755 Mileage Tax Plates
- 1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates
- 1010.760 Transfer for "For-Hire" Loads
- 1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
- 1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
- 1010.775 Certificate of Safety

APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement

APPENDIX B International Registration Plan

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 15098, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 11, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 13066, effective November 15, 1990; amended at 15 Ill. Reg. 12782,

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effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. _____, effective _____.

SUPPORT B: TITLES

Section 1010.180 Specially Constructed Vehicles - Defined

"Specially Constructed Vehicle" means a vehicle of a type required to be registered that has been materially altered from its original construction and body style by the removal, addition or substitution of major component parts from two or more vehicles or motorcycles of a different make, model or year. Major component part shall include the chassis, frame, cab, shell, air, engine block, engine casing, transmission and driveline body supporting structure. For the purposes of this Section, "body style" means the physical appearance of the vehicle, e.g., 2-door car, pick-up truck, van, motorcycle, etc.

(Source: Added at 21 Ill. Reg. _____, effective _____.)

Section 1010.185 Specially Constructed Vehicles - Required Documentation for Title and Registration

- a) The following shall be forwarded to the Office of the Secretary of State:
- i) A statement detailing how the vehicle was constructed, which must include the origin, make, model, year and identification numbers of the major component parts (as defined in Section 1010.180) used to construct the specially constructed vehicle.
 - ii) The ownership document of the first make used to assemble the chassis, frame, or other major component parts.
 - iii) For the purpose of this Section, "first make" means the manufacturer make used to construct the chassis, frame, or other major component part used to construct the specially constructed vehicle, unless the part is manufactured by someone other than the recognized automobile, motorcycle or kit manufacturer or the part is without the assigned vehicle identification number. Ownership documents include the following:
 - i) assigned Manufacturer's Certificate of Origin, or
 - ii) assigned certificate of title, or
 - iii) assigned salvage certificate, or
 - iv) assigned junking certificate, or
 - v) copy of certificate of title in the name of the applicant for the specially constructed vehicle, or
 - vi) copy of salvage certificate in the name of the

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viii) copy of junking certificate in the name of the applicant for the specially constructed vehicle, or

viii) copy of junking certificate in the name of the applicant for the specially constructed vehicle.

- b) If the frame is a part of the new kit assembly and only other major component parts from the original vehicle are being used to construct the vehicle, a copy of one of the above items is required. The copy must show the vehicle properly assigned to the applicant. Bills of sale or an affirmation statement may be submitted for the major component parts. The bill of sale/affirmation statement must include the year, make and vehicle identification number.

- c) If the ownership document of the major component parts used to assemble the first and second make (as defined in subsection (d)) of the specially constructed vehicle are supported by junking certificates, the major component parts used to assemble the first and second make must be from two or more different vehicles of a different year, make or model, which contain two or more different vehicle identification numbers.

- 3) If the frame/body is constructed from various materials or the major component parts are from various materials/vehicles, bills of sale for those materials. An affirmation statement indicating the frame or major component parts were built from materials the applicant had previously owned may be submitted in lieu of bills of sale. The bill of sale/affirmation statement must include the year, make and the vehicle identification number. The frame year and make will be considered as the physical year of application and reflect SPECIALLY CONSTRUCTED as the make.

- 4) The ownership document of the second make used to assemble the body, car kit, rider kit, motorcycle kit, or motorcycle major component parts.

A) For the purpose of this Section, "second make" means the manufacturer make of the body, car kit, rider kit, motorcycle kit, or motorcycle major component parts used to construct the specially constructed vehicle. Ownership documents include:

- i) Assigned Manufacturer's Certificate of Origin, or
- ii) assigned copy of certificate of title, or
- iii) assigned copy of salvage certificate, or
- iv) assigned copy of junking certificate, or
- v) copy of certificate of title in the name of the applicant for the specially constructed vehicle, or
- vi) copy of salvage certificate in the name of the applicant for the specially constructed vehicle, or
- vii) copy of junking certificate in the name of the applicant for the specially constructed vehicle, or
- viii) bills of sale for parts to build body portion. These

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must include the year, make and the vehicle identification number.

- a) If the above ownership documents cannot be furnished by the owner, the specially constructed vehicle may be issued a certificate of title in accordance with Section 3-109 of the Illinois Vehicle Code. Bonding includes those cases in which an owner builds a vehicle from different materials and can neither furnish ownership documents nor identify the specific model year. Specially constructed vehicles which must be bonded will be issued a certificate of title with the make as SPECIALLY CONSTRUCTED and reflect only the Secretary of State assigned vehicle identification number. The year model will be determined according to the date of application.

- 5) An application for certificate of title and/or registration accompanied by the appropriate fees.

- 6) Illinois sales tax or vehicle use tax, if applicable.

- 7) Three pictures of the completed vehicle, from the front, side and rear.

- b) Upon approval of the documentation provided, the Secretary of State Department of Police, at their discretion, may inspect the vehicle to ascertain whether all safety items have been installed and are operating properly, and whether the vehicle contains any stolen parts.

(Source: Added at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Numbers: Proposed Action:
1030.70 Amendment
1030.75 Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (625 ILCS 5/2-104(b)) and the Illinois Driver Licensing Law of the Illinois Vehicle Code (625 ILCS 5/Ch. 6).
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is being proposed to include changes to the procedures involving vision and telescopic lens vision cancellations of a driver's license, as well as adding definitions to these administrative rules.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic renewal date? No
- 8) Does this proposed rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
1030.16	Amendment	21 Ill. Reg. 1581 (February 7, 1997)
1030.18	Amendment	21 Ill. Reg. 1581 (February 7, 1997)

- 10) Statement of Statewide Policy Objective: This rulemaking will have no effect on units of local government.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Mark A. Novak
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356

- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997
- The full text of the proposed rule begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

What Persons Shall Not be Licensed or Granted Permits
Procedure for Obtaining a Driver's License
Driver's License Medical Advisory Board
Denial of License or Permit
Cite for Re-examination
Errors in Issuance of Driver's License/Cancellation
Classification of Drivers-References
Classification Standards
Fifth Wheel Equipped Trucks
Bus Driver's Authority, Religious Organization and Senior Citizen Transportation

Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
Third-Party Certification Program
Religious Exemption for Social Security Numbers
Instruction Permits
Driver's License Testing/Vision Screening
Driver's License Testing/Vision Screening with Vision Aid
Arrangements Other Than Standard Eye Glasses or Contact Lenses(es)
Driver's License Testing/Written Test
Endorsements
Vehicle Inspection
Driver's License Testing/Road Test
Multiple Attempts/Road Test
Exemption of Facility Administered Road Test
Temporary Licenses
Requirement for Photograph and Signature of Licensee on Driver's License
Disabled Person/Handicapped Identification Card
Restrictions
Restricted Local Licenses
Duplicate or Corrected Driver's License or Instruction Permit
Diplomatic and Consular Licenses
Restricted Commercial Driver's License
Invalidation of a Driver's License or Permit
School Bus Commercial Driver's License
Anatomical Gift Donor
Emergency Medical Information Card
Change-of-Address
Issuance of a Probationary License
Grounds for Cancellation of a Probationary License

Questions Asked of a Driver's License Applicant

APPENDIX A

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APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. 1] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, P. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, P. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 3219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2075, effective February 1, 1993; amended at 17 Ill. Reg. 1995, effective May 24, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 18 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective March 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 19 Ill. Reg. 16457, effective October 2, 1994; amended at 19 Ill. Reg. 3891, effective February 14, 1995; amended at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279, not to exceed the 150 day limit of the original rulemaking; amended at 21 Ill. Reg. _____, effective _____.

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Section 1030.70 Driver's license Testing/Vision Screening

- a) For purposes of this Section the following definitions shall apply:
- "Applicant" - any person who is currently licensed to operate a motor vehicle or any person applying for or renewing a driver's license.
 - "Binocular visual acuity" - a visual reading obtained utilizing both eyes at the same time.
 - "Cancellation" - the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license in accordance with Section 1-110 of the Illinois Vehicle Code and Section 6-201 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (625 ILCS 5/1-110 and 6-201).
 - "Current vision specialist report" - any vision specialist report completed for a driver which has been completed within 6 months prior to receipt by the Department and is signed and dated by a vision specialist.
 - "Denial" - any entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license until the conditions set forth by the Department are met pursuant to this Section or Section 6-103 of the Illinois Vehicle Code (625 ILCS 5/6-103).
 - "Department" - the Department of Driver Services of the Office of the Secretary of State.
 - "Driver" - any person who is currently licensed to operate a motor vehicle or any person applying for or renewing a driver's license.
 - "Driver Services facility representative" - an employee of the Secretary of State.
 - "Favorable vision specialist report" - a current vision specialist report which has been completed in its entirety which does not require additional information and/or clarification. A favorable vision specialist report contains a monocular or binocular acuity reading of 20/70 or better and a peripheral field of 140° binocular or 70° temporal and 35° nasal monocular and a release signed by the driver.
 - "Incomplete vision specialist report" - a vision specialist

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- report which has not been completed in its entirety. Examples of an incomplete vision specialist report include, but are not necessarily limited to: a vision specialist report which does not include the name, address, signature or professional license number of the vision specialist or the report is not dated, or contains illegible information, or fails to answer any of the questions contained within the report.
- "Monocular visual acuity" - visual acuity readings obtained utilizing individual eye.
 - "Nasal vision reading" - field of vision 35° from the straight ahead.
 - "Peripheral vision" - vision from the outside line of direct sight toward the temporal area.
 - "Rescind order" - a removal by formal action of an order canceling or medically denying issuance of a driver's license to a person.
 - "Restriction" - requirements or conditions added on a driver's license which must first be met by the driver before he/she may legally operate a motor vehicle.
 - "Temporal vision reading" - field of vision 70° from the straight ahead.
 - "Termination order" - the ending of an order canceling or medically denying the issuance of a driver's license to a person.
 - "Unfavorable vision specialist report" - a vision specialist report signed and completed by a vision specialist indicating the monocular or binocular acuity readings do not meet Illinois standards in accordance with this Section, or the peripheral vision readings do not meet Illinois standards in accordance with this Section or the driver would not accept or has refused the recommended correction and his/her vision readings without this correction are not favorable.
 - "Vision screening" - readings of an applicant's visual acuity and peripheral fields of vision obtained by a physician, ophthalmologist, optometrist, or department representative.
 - "Vision specialist" - a doctor licensed to practice medicine in optometry or a physician licensed to test eyesight, prescribe eye lenses and perform glaucoma examinations, such as an optometrist.

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"vision specialist report" - a confidential vision questionnaire designed by the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a vision specialist containing the same information as the form designed by the Department. The report shall be directed to the Department and contain the date the vision specialist completed the report and the name, address, signature and professional license number of the vision specialist. The report must also contain the name, address, date of birth and driver's license number, if known, of the driver.

- b) An applicant for an initial or renewal drivers license who is required to take a vision test shall comply with the following provisions:

1) The Driver Services Department shall administer the vision examination to any applicant who is required to take a vision screening. However, applicants who desire to use any vision aid arrangement, other than standard eye glasses, or contact lens(es) shall submit a vision specialist vision-spectator report form or in lieu of such form an ophthalmologist or optometrist statement may be submitted as indicated in Section 100-10-75. Any applicant using a telescopic lens arrangement must meet the requirements as indicated in Section 100-10-75 of this Part.

2) An applicant who is required to take a vision screening must obtain a binocular (both eyes) acuity reading of 20/40 or better before being issued a driver's license without vision restriction. Being issued a driver's license without vision restriction. If an applicant fails a corrective eye exam, the applicant shall be required to obtain a vision specialist vision-spectator report form or in lieu of such form an ophthalmologist or optometrist statement may be submitted as indicated in Section 100-10-75. Any applicant using a telescopic lens arrangement must meet the requirements as indicated in Section 100-10-75 of this Part.

3) An applicant who obtains a binocular (both eyes) visual acuity reading of 20/41 to 20/70 inclusive may be issued a drivers license restricting said applicant to operate a motor vehicle during daylight only.

4) An applicant who uses eye glasses or contact lenses in binocular (both eyes) screening and has an acuity reading of 20/41 to 20/70 inclusive shall be issued a drivers license restricting said applicant to operate a motor vehicle while wearing said eye glasses or contact lenses during daylight only.

5) A screening will be administered for individual eyes to determine the need for an outside rear view mirror.

6) An applicant who obtains a monocular (individual eye) acuity reading, which is not better than 20/100 with or without standard eye glasses or contact lens(es) shall be restricted to a outside rear view mirror(s).

7) An applicant who is required to take a vision screening must demonstrate a peripheral field of at least 140 degrees binocular or 70 degrees horizontal and 35 degrees nasal monocular. If,

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an applicant only qualifies monocularly, he/she will be restricted to operating a motor vehicle equipped with both a left and right rear view mirror. Any applicant who cannot meet the minimum peripheral field of vision requirements may submit a vision specialist report vision-spectator report or in lieu of the report form, a statement from a physician, ophthalmologist, or optometrist may be submitted as indicated in subsection (b)(14) of this Section.

8) If the applicant is wearing contact lens(es), such applicant shall not be required to remove such lens(es) to take the vision screening.

9) If the applicant desires to remove the contact lens(es) in order to obtain an unrestricted license, said applicant may do so.

10) If the applicant does not have his/her eye glasses; or contact lens(es) with said applicant, he/she may proceed with the vision screening. If the applicant does proceed, but subsequently fails without said applicant's eye glasses or contact lens(es), said applicant may return at a later date with the eye glasses or contact lens(es), to retake the vision screening.

11) If an applicant obtains a reading without correction which would restrict said applicant to daylight driving only and/or left outside rear view mirror, the applicant shall be issued a license or instruction permit with a restriction, if said applicant has satisfied all other requirements for the issuance of such license or instruction permit. If the applicant wishes to have the license or instruction permit issued on the basis of vision specialist vision-spectator report form, rather than the Secretary of State's vision screening, the applicant may exercise the option of visiting a vision specialist vision-spectator for an independent vision screening. The applicant returns at a later date with corrective glasses or contact lens(es) with which the applicant successfully meets the vision standard, the restriction will be removed.

12) The appropriate fee will be required to change a restriction if the permanent drivers license has been or is in the process of being issued. If the applicant has not yet successfully completed the written or road test portion of the examination, no fee is required to change the restriction.

13) An applicant may submit a current and favorable vision specialist report form if he/she fails the vision screening or he/she does not wish to accept a certain driving restriction. Vision-Specialist-Report-Form-Or-In-Lieu-Of-Such-Form-A-Statement-From-A-Licensed-Physician-Ophthalmologist-Or-Optometrist-May-Be-Submitted-The-Statement-Must-Be-On-A-Letterhead-Of-Prescription-Blank-Imprinted-With-The-Name-Address-And-Title-Of-The-Person-Making-The-Certification-Such-Statement-Must-Contain-The-Name-And-Drivers-License-Number-Or-Name-Date-Of-Birth-And-Sex-Of-The-Applciant-As-Well-As-The

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signature and certificate number of the person authorized to certify the vision examination. No statement shall be acceptable if the date of the vision examination is more than six months prior to the date of the applicable driver's license examination. Such statement or form may contain a notation if the applicant's condition is deteriorating, recommendations for driving restrictions compatible to the applicant's visual ability (if any), limitations, speed, limitations, recommendations for re-examination compatible to the applicant's visual stability, and report shall include a statement of release to the office of the Secretary of State which has been signed and dated in the presence of the Vision Specialist or Physician.

A) If the vision specialist has indicated a different acuity reading or peripheral field from the reading obtained at the facility, the vision specialist report will supersede the facility readings, even if it means the addition or deletion of restrictions.

B) The vision specialist may indicate the driver's eyesight condition is deteriorating or warrants monitoring by recommending periodic re-examination of the driver's eyesight on the vision specialist report form. The Department must follow this recommendation of the vision specialist. Routine vision examinations requested by the vision specialist will not be, in itself, basis for this Department to request follow-up reports from the driver.

C) The Department shall notify the driver of the requirement to submit an undated vision specialist report to be completed by the vision specialist and the driver. The driver must then submit the completed vision specialist report to the Department within 60 days from the date of the Department's request.

1) If a current and favorable vision specialist report is not received by the Department within the above specified time, the driver shall be canceled or medically denied a driver's license pursuant to Sections 6-103(18) and 6-201(a)(5) of the Illinois Vehicle Code (625 ILCS 5/6-103(18) and 6-201(a)(5)).

11) If a driver is canceled pursuant to this subsection (b)(14)(C) and a favorable vision specialist report is subsequently received, the cancellation shall be rescinded, provided an unfavorable report is not received in the interim.

D) If, pursuant to this Section, the Department receives an unfavorable vision specialist report, the Department shall cancel and notify the driver pursuant to Sections 6-103(18) and 6-201(a)(5) of the Illinois Vehicle Code (625 ILCS 5/6-103(18) and 6-201(a)(5)).

1) The cancellation order shall remain in effect until

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the driver submits a favorable vision specialist report to the Department.

11) Upon the termination of a cancellation under this subsection (b)(14)(D), the person may reapply for a driver's license as outlined in Section 6-106 of the Illinois Vehicle Code (625 ILCS 5/6-106).

E) If, pursuant to this Section, the Department receives an incomplete vision specialist report, a request shall be made for the necessary information required to process the report.

1) If the Department requests additional information from the vision specialist and the Department does not receive this information, a written request shall be made to the driver.

11) If the Department requests additional information from the driver, and the Department does not receive this information within 45 days after the request, the Department shall cancel or deny the issuance or renewal of the person's driver's license pursuant to Sections 6-103.8 and 6-201 of the Illinois Vehicle Code (625 ILCS 5/6-103.8 and 6-201).

111) If a driver is canceled pursuant to this subsection (b)(14)(E) and the information requested is received which makes the vision specialist report favorable, the cancellation shall be rescinded, provided an unfavorable report is not received in the interim.

o) if an applicant fails the vision screening or the applicant does not wish to accept a certain driving restriction they may submit a vision specialist report form or in lieu of the report form a statement from a licensed physician, ophthalmologist or optometrist as prescribed in 6-05 of this Section, may be submitted.

p) if the vision specialist's report or statement indicates a different acuity reading or peripheral field of vision from the reading obtained by examining personally the Vision Specialist's report or statement will be used even if it means the addition or deletion of restrictions.

15) Every person who has a valid driver's license may be required to be re-examined at the discretion of the Secretary of State, as provided for in Section 1030.15 of this Part, to determine if the license meets the minimum standards as set forth in this rule.

16) The Department shall require a driver to appear at a driver services facility to receive a corrected driver's license if the visual acuity or visual peripheral readings warrant a change or the vision specialist recommends a driver's license restriction or the facility representative issued a driver's license based on the vision specialist's report but on the wrong restriction pursuant to Section 1030.32 of this Part.

17) The Department shall provide two written notifications to the

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driver at his/her last known address as indicated on the Department's driving record file. The notice shall state that failure to comply with either request will result in the driver being cited into a driver's license facility in accordance with Section 1030.15 of this Part, provided a subsequent vision specialist report is not received from the same vision specialist indicating the restriction is no longer necessary.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses

a) For purposes of this Section the following definitions shall apply:

"Cancellation" - the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license in accordance with Section 1-110 of the Illinois Vehicle Code and Section 6-201 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/1-110 and 6-201].

"Current telescopic lens vision specialist report" - any vision specialist report completed for a telescopic lens user which has been completed within 6 months prior to receipt by the Department and is signed and dated by a licensed vision specialist.

"Denial" - an entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license until the conditions set forth by the Department are met pursuant to this Section or Section 6-103 of the Illinois Vehicle Code [625 ILCS 5/6-103].

"Department" - the Department of Driver Services of the Office of the Secretary of State.

"Driver" - any person who is currently licensed to operate a motor vehicle or any person applying for or renewing a driver's license.

"Driver Service facility representative" - an employee of the Secretary of State.

"Favorable telescopic lens vision specialist report" - a current telescopic lens vision specialist report which has been completed in its entirety which does not require additional information and/or clarification. A favorable telescopic lens vision

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specialist report contains a professional opinion that the applicant is safe to operate a motor vehicle, the monitoring of binocular activity reading through the telescopic lenses is 20/30 or better in both eyes, monocular or binocular activity readings through the carrier lenses is 20/100 or better in both eyes, the peripheral readings meet Illinois Vision Standards in accordance with Section 1030.70 of this Part, and with the lens arrangement in place and without the use of field enhancements, the applicant has had and been wearing the telescopic lenses at least 60 days prior to the date the examination is done by the licensed vision specialist and the power of the telescopic lenses does not exceed 3.0 X axis and/or 2.5 X standard.

"Incomplete telescopic lens vision specialist report" - a telescopic lens vision specialist report which has not been completed in its entirety. Examples of an incomplete telescopic lens vision specialist report include, but are not necessarily limited to: a telescopic lens vision specialist report which does not include the name, address, signature or professional license number of the vision specialist or the report is not dated or contains illegible information or fails to answer any of the questions contained within the report.

"Licensed vision specialist" - a doctor licensed to practice medicine in optometry.

"Peripheral vision" - the area of vision from the outside line of direct sight toward the temporal area.

"Rescind order" - the removal by formal action of an order canceling or medically denying issuance of a driver's license to a person.

"Telescopic lens arrangement" - a device which aids in improving vision deficits.

"Telescopic lens vision specialist report" - a confidential vision questionnaire designed by the Department and approved by the Illinois Medical Advisory Board or a statement on letterhead made by a licensed vision specialist containing the same information as the form designed by the Department. The report shall be directed to the Department and contain the date the licensed vision specialist completed the report and the name, address, signature and professional license number of the licensed vision specialist. The report must also contain the name, address, date of birth and driver's license number of the driver, if known.

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"termination order" - the ending of an order, cancellation or legally denying the issuance of a driver's license to a person.

"traffic environmental screening" - a screening designed by the Department which shall consist of the driver demonstrating the ability to recognize actual traffic conditions while using the telescopic lens arrangement while riding with and being evaluated by a Driver Services facility representative. This traffic environmental screening shall consist of 4 parts and shall be as follows: stationary driver identifying a stationary object, stationary driver identifying a moving object, moving driver identifying a stationary object and a moving driver identifying a moving object.

"unfavorable telescopic lens vision specialist report" - a telescopic lens vision specialist report signed and completed by a licensed vision specialist containing his/her professional opinion that the driver is not capable of safely operating a motor vehicle of the monocular or binocular acuity readings do not meet Illinois standards in accordance with this Section or the peripheral vision readings do not meet Illinois standards in accordance with Section 1030.70 or the power of the telescopic lens(es) does not meet Illinois standards in accordance with this Section.

a) An applicant, for an initial or renewal drivers license, who desires to use a prescription spectacle mounted telescopic lens arrangement must have a central acuity of 20/40 or better through the telescopic lens whose magnification power may not exceed 2.2X or 3X standard in a wide angle design, a central acuity through the carrier lens alone of 20/180 or better, and a horizontal peripheral field of at least 140 degrees or a monocular field of at least 70 degrees temporal and 55 degrees nasal. Such peripheral field measurements shall be determined with the prescription spectacle mounted telescopic lens arrangement in place and without the use of field channels. In addition, such applicant shall submit a statement that he meets the specifications as designated in paragraph (e) of this section.

b) An applicant who satisfactorily completes the written and vision requirements and has at least 3 years licensed driving experience prior to the date of application with or without the use of a prescription spectacle mounted telescopic lens arrangement, must complete the road test with the prescription spectacle mounted telescopic lens arrangement in place. Upon successful completion of the road test, a drivers license will be issued.

2) An applicant who satisfactorily completes the written and vision requirements but does not have at least 3 years licensed driving experience prior to the date of application with or without the use of a prescription spectacle mounted telescopic lens arrangement, must complete a traffic environment screening with

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the prescription spectacle mounted telescopic lens arrangement in place. The traffic environment screening shall consist of the applicant demonstrating the ability to recognize actual traffic conditions while using the prescription spectacle mounted telescopic lens arrangement while riding with and being evaluated by a Driver Services facility representative. This traffic environmental screening shall consist of 4 parts and shall be as follows: stationary driver identifying a stationary object, stationary driver identifying a moving object, moving driver identifying a stationary object and a moving driver identifying a moving object. Upon successful completion of the traffic environment screening, an instruction permit will be issued. At the end of the six-month period following the date of instruction permit issuance, the individual's driving record will be reviewed by the Secretary of State. Driver Services Department. This review shall consist of an analysis of the individual's driving record. A successful review shall occur if the individual's driving privileges are not suspended, revoked, or cancelled. Upon a satisfactory review, a road test will be administered. Upon successful completion of the road test, a drivers license will be issued. If the review is found unsatisfactory, the individual will not be eligible for a road test until his driving privileges have been returned.

3)

b) An applicant that desires to use a vision aid arrangement other than standard cycloplegic or contact lenses shall submit a vision specialist report form or in lieu of such form, an applicant may submit a statement from a licensed ophthalmologist or optometrist for the purposes of this Section. A vision specialist is an ophthalmologist or optometrist. The statement must be on a letterhead or prescription blank imprinted with the name, address and title of the person making the certification. Such statement must contain the name and Drivers license number of the date of birth and sex of the applicant as well as the signature and certificate number of the person authorized to certify the vision examination. No statement shall be acceptable if the date of the vision examination is more than six months prior to the date of the applicable drivers license examination. Such statement or form shall contain a notation whether or not the applicant's condition is deteriorating, recommendations for

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driving--restrictions--compatible--to--the-applicant's-visual-ability (flee--area--imitations--speed--imitations);---recommendations---for re-examination--compatible--to--the-applicant's-visual-stability--and--an opinion-by-the-vision-specialist--regarding-the-applicant's-ability--to safely-operate-a-motor-vehicle---Each-report-must-include-a-statement of--release--to--the-office-of-the-Secretary-of-State--which-has-been signed-and-dated-in-the-presence-of-the-vision-specialist

b)et A vision specialist report for a vision specialist report form or statement provided in lieu of such form, when submitted by an applicant who wishes to use a prescription spectacle mounted telescopic lens arrangement, all contain the following:

- 1) A statement that the applicant is not fitted for a prescription spectacle mounted telescopic lens arrangement which the applicant has had in his possession at least 60 days prior to current application date for a driver's license.
- 2) A statement that the applicant has clinically demonstrated he can locate stationary objects within the telescopic field by aligning the object directly below the telescopic lens and then moving his head down and his eyes up simultaneously.
- 3) A statement that the applicant has clinically demonstrated locating a moving object in a large field of vision by anticipating future movement, so that by moving the head and eyes in a coordinate fashion he is able to locate the moving object within the telescopic field.
- 4) A statement that the applicant has clinically demonstrated recalling what he has observed after a brief exposure, with the duration of the exposure progressively diminished to simulate reduced observation time while driving.
- 5) A statement that the applicant has clinically experienced levels of illumination which may be encountered during inclement weather or when driving from daylight into areas of shadow or artificial light and the applicant is visually able to successfully adjust to such changes.
- 6) A statement that the applicant has experienced being a pedestrian and riding as a passenger in a motor vehicle, so that he has practical experience of motion while objects are changing position.

c) A driver, for an initial or renewal driver's license, who desires to use a telescopic lens arrangement, must submit a current and favorable telescopic lens vision specialist report to the Department.

- 1) If a current and favorable report is submitted, and the driver has satisfactorily completed the written requirements and has at least 3 years of licensed driving experience prior to the date of application, with or without the use of a telescopic lens arrangement, the driver must complete a road test accompanied by a Driver Services facility representative designated by the Department with the telescopic lens arrangement in place. Upon successful completion of the road test, a driver's license with

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the proper restrictions will be issued in accordance with Section 1030.92 of the Motor Vehicle Code.

- 2) A current and favorable report is submitted and the driver has satisfactorily completed the written requirements and does not have at least 3 years of licensed driving experience prior to the date of application, with or without the use of a telescopic lens arrangement, the driver must complete a traffic environmental screening with the telescopic lens arrangement in place. Upon successful completion of the traffic environmental screening, an instruction permit shall be issued with the proper restrictions in accordance with Section 1030.92 of this Part. At the end of the six month period following the date the instruction permit was issued, the driver's driving record will be reviewed. If the record is void of any suspensions, revocations or cancellations, either in effect or pending, a road test by a Driver Services facility representative will be administered. Upon successful completion of the road test, a driver's license will be issued. If the record reflects any suspensions, revocations, or cancellations, either in effect or pending, the driver will not be eligible for a road test until his/her driving privileges have been reinstated.
- 3) If the report is incomplete or not current, a request shall be made to the driver or the licensed vision specialist for the necessary information required to process the report.
 - A) If the Department requests additional information from the driver and the Department does not receive this information within 45 days after the request, the Department shall cancel or deny the issuance or renewal of the person's driver's license pursuant to Sections 6-201 and 6-103(8) of the Illinois Vehicle Code (625 ILCS 5/6-201 and 6-103(8)).
 - B) If the Department requests additional information from the licensed vision specialist and the Department does not receive this information, a written request shall be made to the driver.
 - C) If a cancellation order is entered based upon an incomplete report or one which is not current and a favorable report is subsequently received, a rescind order shall be entered, provided an unfavorable report is not received in the interim.
- 4) If the Department receives an unfavorable report, the Department shall cancel or deny the driver pursuant to Sections 6-103(3) and 6-201(a)(3) of the Illinois Vehicle Code.
 - A) If the Department receives a subsequent favorable report, the Department shall terminate the unfavorable report, cancellation order and allow the driver to make application for a new driver's license pursuant to Sections 1010, 6-106 and 6-109 of the Illinois Vehicle Code (625 ILCS 5/6-110, 6-106 and 6-109).

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- B) Drivers who qualify to drive with the use of a telescopic lens arrangement shall be restricted to the following:

- i) Driving during daylight hours only;
- ii) Eligibility for a Class "D" driver's license only;
- iii) Having his/her driving record periodically reviewed by the Department in accordance with Section 6-109 of the Illinois Vehicle Code [625 ILCS 5/6-109].

- 5) A current telescopic lens vision specialist report shall be submitted annually.

A) If a current report is not received by the last day of the month the undated report is due, the driver shall be canceled or denied a driver's license.

B) If a driver is canceled pursuant to this subsection and a current report is subsequently received, the cancellation shall be rescinded, provided an unfavorable report is not received in the interim.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Literacy Grant Program

2) Code Citation: 23 Ill. Adm. Code 3040

3) Section Number: Proposed Action:

3040.150 Amendment

3040.160 Amendment

3040.300 Amendment

3040.320 Amendment

3040.330 Amendment

- 4) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322].

5) A Complete Description of the Subjects and Issues Involved: Audit requirements are clarified in response to the change in the ending date of the State lapse period. The rule changes also address P.A. 89-697 which includes reference to family literacy grants.

- 6) Will This Proposed Amendment Replace an Emergency Rule Currently in Effect? No

7) Does This Rulemaking Contain an Automatic Renewal Date? No

8) Does This Amendment Contain Incorporations By Reference? Yes

9) Are There Any Other Proposed Amendments Pending on This Part? No

10) Statement of Statewide Policy Objectives: The literacy rules specify the requirements for several literacy grant programs.

11) Time, Place, and Manner in Which Interested Persons May Comment on This Proposed Rulemaking: Written comments and questions should be mailed, faxed, or sent electronically within 45 days after publication of the proposed amendments in the *Illinois Register* to:

Ms. Kathleen L. Bloomberg
Associate Director for Administration
Illinois State Library
300 S. Second Street
Springfield, IL 62701-1796
217/785-0052
217/782-9261 FAX
kbloom@library.sos.state.il.us INTERNET

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit

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corporations affected: Broadens the range of not for profit organizations that are eligible to apply for grant funds.

B) Reporting, bookkeeping or other procedures required for compliance:
Not applicable.

C) Types of professional skills necessary for compliance: Not applicable.

13) Regulatory Agenda on which this rule was summarized: January 1997

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE B: CULTURAL RESOURCES

CHAPTER I: SECRETARY OF STATE

PART 3040

LITERACY GRANT PROGRAM

SUBPART A: LITERACY PROVIDER PROGRAM

Section	Purpose
3040.100	Definitions
3040.110	Application for Grant
3040.120	Review of Grant Applications
3040.130	Award of Grants and Recordkeeping
3040.140	Cancellation of Grant
3040.150	Audit Procedures
3040.160	Other Requirements
3040.170	Invalidity
3040.180	

SUBPART B: WORKPLACE LITERACY PROGRAM

Section	Purpose
3040.200	Definitions
3040.210	Application for Grant
3040.220	Review of Grant Applications
3040.230	Award of Grant, Financial Reports, and Program Progress Reports
3040.240	Cancellation of Grant
3040.250	Other Requirements
3040.260	Invalidity
3040.270	

SUBPART C: FAMILY LITERACY PROGRAM

Section	Purpose
2040.300	Definitions
2040.310	Eligible Applicants
2040.320	Grant Applications
2040.330	

AUTHORITY: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15563, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 4916, effective March 11, 1986; amended at 11 Ill. Reg. 17258, effective October 15, 1987; amended at 15 Ill. Reg. 18757, effective December 17, 1991; amended at 16 Ill. Reg. 13084,

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effective August 15, 1992; amended at 17 Ill. Reg. 7234, effective May 10, 1993; amended at 18 Ill. Reg. 4990, effective March 9, 1994; amended at 20 Ill. Reg. 5889, effective April 9, 1996; amended at 21 Ill. Reg. 2406, effective February 3, 1997; amended at 21 Ill. Reg. _____, effective _____.

Section 3040.150 Cancellation of Grant

a) A grant shall be cancelled if:

- 1) financial, statistical, and narrative reports are not submitted as required by Section 3040.140(e) and (f) or if the previous fiscal year's audit, as required by Section 3040.140(f), is not received by September 1, and the program has a grant under which it is operating in the current fiscal year. Grant programs shall receive one letter the 30th day after the request for compliance with this Section before the grant financial reports are cancelled.
- 2) an audit of the grant financial reports or show financial irregularities, such as misappropriation or embezzlements of funds by the grant program operator and/or its employees and staff.
- 3) The grant program fails to meet its stated goals.
- 4) The grant program managers are convicted of any felony or misdemeanor.
- 5) The grant program fails to operate properly and effectively.
- 6) ~~the previous fiscal year's audit is required by Section 3040.140(f) is not received by September 1, and the program has a grant under which it is operating in the current fiscal year~~
- b) Upon cancellation, the Secretary shall send a notice by certified return receipt requested mail to the grant program, which shall return all unexpended public funds to the Secretary within thirty (30) days of the date of the cancellation notice.
- c) Any public funds not returned shall be the subject of a collection action by the Attorney General of Illinois.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 3040.160 Audit Procedures

- a) On or before September 1 of each year, the literacy grant recipient must conduct an audit of the program and its expenditure of the grant funds. Grant funds shall be accounted for using the modified accrual accounting method. The State Library will add funds to budgets of grant recipients to pay for audit costs. The literacy grant recipient shall select an independent certified public accountant to perform the audit in accordance with the United States General Accounting Office Government Auditing Standards - Standards for Audit of Governmental Organizations, Programs, Activities and Functions (Yellow Book), 1994

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revision, no later editions. This document can be obtained through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. A copy of this document is also maintained for public inspection at the Illinois State Library, 300 South Second Street, Springfield, Illinois 62701. The results of this audit must be submitted to the State Library, Office of the Secretary of State, by September 1 of each year. Failure to submit the audit by the September 1 deadline shall result in immediate forfeiture to the Secretary of State of 10% of the grant award. Failure to conduct the audit or failure to report the results to the State Library shall result in cancellation of any existing grants. The State Library shall withhold 10% of the grant funds until receipt and approval of the final program and financial reports.

- b) ~~grantee who does not comply with following fiscal year audit requirements~~
- b) ~~The provisions of this Section will not be applicable to entities that fall under the audit authority of the Auditor General of Illinois.~~

c) ~~Entities electing to fulfill their audit requirements by submitting a "single audit" of their entity in accordance with the Single Audit Act of 1984 (31 U.S.C.A. Section 7501 et seq.) may do so. However, a schedule of revenues and expenditures for the grant, showing budget and actual amounts, must be included as a supplementary schedule in the audit report. Those entities electing to submit a "single audit" will not be subject to the September 1 deadline indicated in subsection (a) above. Single audits must be submitted within 30 days after release of the single audit report.~~

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 3040.300 Purpose

The family literacy program is part of the Literacy Grant Program established by the State Library Act (15 ILCS 320). Family literacy funds made available by the State Librarian from State or Federal sources will be used to involve public or school libraries, adult literacy programs, and children at risk programs and/or other not for profit organizations with educational experience in breaking the intergenerational cycle of illiteracy.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 3040.320 Eligible Applicants

Only applications that will provide involvement of an Illinois public library, an Illinois agency serving children at risk, and an Illinois agency with an adult literacy program, and/or other not for profit organizations with

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educational experience in breaking the intergenerational cycle of illiteracy shall be eligible for this grant program. The public library must be a member of an Illinois library system. The agency submitting the grant application and administering the use of the grant funds may be any one of the three agencies.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

Section 3040.330 Grant Applications

- a) Application requirements, including criteria, will be made available by the Illinois State Library by January 15 for the ensuing year. The maximum grant amount, if any, shall be specified in the requirements. The Illinois State Library Advisory Committee shall provide assistance in developing the criteria for the grants. Applications shall be submitted to the Illinois State Library on or before March 15 for the ensuing year. Applications not submitted on time or on the required forms shall not be considered for funding.

- b) Grant criteria may include but are not limited to the following:
- 1) Documented concentration of families with children at risk in the project area.

- 2) Involvement of a paid staff person to coordinate all aspects of the program.

- 2)3) A focus on reciprocal learning activities involving parents and children together.

- 3)4) The use of volunteers in the program.

- 4) The use of technology in delivery of reciprocal activities.

- c) Evidence of local community support for the project.

- Applications shall include the following information, at a minimum:

- 1) The name and address of the applicant.
- 2) The name and telephone number of the applicant's director or executive officer.
- 3) The applicant's address, telephone number, and signature of the applicant's fiscal officer, who will receive any approved grant and be responsible for the grant funds.
- 4) The beginning and ending dates of the family literacy program.
- 5) The total amount of grant money requested for the family literacy program.

- 6) A brief and explicit description of the program's goals and objectives and how the goals and objectives address the grant criteria included in the application requirements.

- 7) A statement supported by statistics detailing the need for the literacy program in the particular community or geographic region of the grant applicant.

- 8) A statement of the methods to be used by the grant applicant to meet stated goals and objectives.

- 9) A statement of the applicant's plans to coordinate its efforts with other agencies cited in Section 3040.320 of this part. The

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specific names of the other agencies to be involved in the program shall be cited along with a statement of letter from the agencies stating their responsibility to the program.

- 10) A statement detailing plans to evaluate the program's objectives and accomplishments.

- 11) A statement on how the program will be continued without further grants.

- 12) The budget for the literacy program, including revenue sources, expenditures by category (personnel, fringes, travel, equipment purchases, supplies, contractual services, and other), and local financial and in-kind support for the project.

- d) Applications shall be reviewed by the State Library Literacy Office staff in accordance with the criteria and requirements set forth in the application packet. When appropriate, the Director of the State Library Literacy Office may appoint a committee to assist in reviewing applications; such committee shall include membership from those types of agencies that are eligible to apply for the funds as defined in Section 3040.320 of this Part. The decision of the State Librarian is final.

- e) The number of grants to be awarded is at the discretion of the State Librarian, within the confines of available funding.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Illinois Library System Act
- 2) Code Citation: 23 Ill. Adm. Code 3030
- 3) Section Number:
3030.90 Proposed Action:
3030.105 Amendment
3030.106 New Section
- 4) Statutory Authority: Implementing and authorized by the Illinois Library System Act (75 ILCS 10).
- 5) A Complete Description of the Subjects and Issues Involved: The amendment clarifies how and when the official population served by a public library is verified for public library per capita and equalization aid grants. P.A. 89-697, signed by the Governor in January 1997, authorizes grants for library technology and Illinois Veterans' Homes' libraries, so the amendments specify the criteria for awarding the grants. Clarification is added to criteria for several grant programs, and citations are updated.

6) Will This Proposed Amendment Replace an Emergency Rule Currently in Effect? Yes

7) Does This Rulemaking Contain an Automatic Repeal Date? No

8) Does This Amendment Contain Incorporations By Reference? Yes

9) Are There Any Other Proposed Amendments Pending on This Part? No; emergency amendment only.

10) Statement of Statewide Policy Objectives: The amendment specifies criteria for several different grant programs.

11) Time, Place, and Manner in Which Interested Persons May Comment on This Proposed Rulemaking: Written comments and questions should be mailed, faxed, or sent electronically within forty-five (45) days after publication of the proposed amendments in the *Illinois Register* to:

Ms. Kathleen L. Bloomberg
Associate Director for Administration
Illinois State Library
300 S. Second Street
Springfield, IL 62701-1796
217/785-0032
217/782-8261 FAX
ASLomb@library.sos.state.il.us INTERNET

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12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on Which This Rulemaking Was Summarized: January 1997

The full text of the proposed amendments is identical to the Emergency Amendments appearing in this issue of the Illinois Register on page:

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Authorization and Operation of Emergency Wrecker Services on the Illinois State Toll Highway

2) Code Citation: 92 Ill. Adm. Code 2500

3) Section Numbers: 2500.40
Proposed Action:
Repeal

4) Statutory Authority: 605 ILCS 10

5) Complete Description of the subjects and issues involved: This Part repeals certain internal issues and traffic rules as found at 92 Ill. Adm. Code 2500.40 applicable to certain traffic authorizations and powers as granted by the Tollway Act for the construction, regulation and maintenance of a toll highway or a system of toll highways and confer vest in the Authority all powers necessary or appropriate to enable the Authority to carry out its legislative purposes. Such related traffic rules are generally found at 92 Ill. Adm. Code 2520.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed repealer contain incorporations by reference? No

9) Are there any other amendments pending in this part? No

10) Statement of Statewide Policy Objectives: This proposed repealer does not create or enlarge a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed repealer may submit written comments within 45 days after the publication of this notice in the *Illinois Register* to:

Mr. George Sotos
Chief Counsel and
Assistant Attorney General
Illinois State Toll Highway Authority
One Authority Drive
Downers Grove, IL 60515
630/241-6800

12) Initial Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

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B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None
13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Authority did not anticipate the need for this rulemaking on its 2 most recent regulatory agendas.

The full text of the proposed amendment begins on the next page:

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER IV: ILLINOIS STATE TOLL HIGHWAY AUTHORITY

PART 2500
AUTHORIZATION AND OPERATION OF EMERGENCY
WRECKER SERVICES ON THE ILLINOIS STATE
TOLL HIGHWAY

- Section Resolution No. 6600
2500.5 Procedures For Approving Or Disapproving Applications For Authorized
2500.10 Wrecker Emergency Road Services
2500.20 Standards For Acting Upon Applications For Wrecker Emergency Road
Service
2500.30 The Operation Of Wrecker Emergency Road Services On The Illinois
State Toll Highway
2500.40 Maximum Fees For Wrecker Service On The Illinois State Toll Highway
(Repealed)

AUTHORITY: Implementing and authorized by Section 10 of the Illinois Toll
Highway Act [605 ILCS 10].

SOURCE: Filled June 25, 1963; codified at 8 Ill. Reg. 19587; amended at 21 Ill.
Reg. _____, effective _____.

Section 2500.40 Maximum Fees For Wrecker Service On The Illinois State Toll
Highway (Repealed)

- a) Passenger-Cars
1) Removing passenger-cars from the highway-(Mechanical-trouble)†
6-AM---6-PM---\$6.00---6-PM---6-AM---\$12.00
2) Removing passenger-cars from the highway--(minor-accident)--cars
upright-on-highway†
6-AM---6-PM---\$15.00---6-PM---6-AM---\$20.00
3) Major-accident; car or light truck overturned or in ditch; where
winching is necessary--\$5.00-extra.
4) Where it is necessary due to mechanical failure to float--the
rear-axle of a passenger car or light truck on a dolly--an extra
charge of \$5.00 may be made.
b) Trucks; Tractor; Semi-Trailers And Trailers
Over 9,999 pounds (accident) contract at scene with owner or driver of
unit:
1) Mechanical failure--The distances set forth in the following
schedule shall include distance traveled to the accident and
returning to the garage.
A) 0 to 20,000 pounds
0 to 20 miles---\$20.00
Over 20 miles---1.00 per mile.

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

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- B) 20,000 to 40,000 pounds
0 to 20 miles---\$30.00
Over 20 miles---1.25 per mile
C) Over 40,000 pounds
0 to 20 miles---\$40.00
Over 20 miles---1.50 per mile
2) Charges for road services--if handled by "off the road service"
6-AM---6-PM---\$5.00---6-PM---6-AM---\$7.50 plus labor & product;
3) Use of dolly--if it is necessary to float an axle of a car or
light truck involved in an accident on a dolly--an extra charge
of \$10.00 may be made.
4) Stand-by time--A charge of \$5.00 per hour per man and \$5.00 per
hour per truck may be charged for a stand-by time.
5) Unloading--A charge of \$5.00 per man per hour may be charged for
unloading wrecked trucks.
6) Hourly rates for wreckers while in use--\$25.00 per hour--for--2
axle--heavy-duty--wrecker--and \$35.00 per hour for 3 axle heavy
duty wrecker.
7) Storage fees--After--first--24--hours--inside--\$1.50--per--day;
outside--\$1.00--per--day.

(Source: Repealed at 21 Ill. Reg. _____, effective
_____.)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Background Checks
- 2) Code Citation: 89 Ill. Adm. Code 385
- 3) Section Numbers:

385.10	Adopted Action:
Amend	
385.20	Amend
385.30	New
385.40	Amend
385.50	Renumber, Amend
385.60	New
385.70	Renumber, Amend
385.80	New
385.90	Renumber, Amend
385.100	New
385.110	Renumber, Amend
385.Appendix A	New
385.Appendix B	New
- 4) Statutory Authority: 225 ILCS 10
- 5) Effective Date of Amendments: April 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 1, 1997
- 9) Notice of Proposal Published in Illinois Register: April 5, 1996; 20 Ill. Reg. 5133
- 10) Has JCAR issued a Statement of Objection to these Rules? No
- 11) Difference between proposal and final version: Proposed new Section 385.40 was renumbered to 385.60 and Section 385.40 was not renumbered. Section 385.80 was retitled to "Appeal of Decisions to Deny License or Permit Based on Background Check Information." Appendix A was retitled to "Criminal Convictions Preventing Licensure, Employment, or Residence in a Family Home in Which a Child Care Facility Operates." Appendix B, Matrix of Persons Subject to Background Checks Under Part 385 was added.

A sentence was inserted in Section 385.10, Purpose, which reads:

Each owner of a for-profit child care facility is required to certify, under penalty of perjury on a form provided by the Department, that he or she is current or not more than 30 days delinquent in complying with a court order for child support.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- In the final sentence of Section 385.20, the term "purchase of service providers" was changed to "service providers."
- The following definitions were added to the adopted rules.

"Access to children" means a child care facility employee's job duties require that the employee be present in a licensed child care facility during the hours that children are present in the facility. In addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Replacement or supplemental staff" means any paid or unpaid individual who is used to perform essential staff duties as evidenced by being counted in the staff-child ratio or being allowed to be alone with children in a licensed child care facility outside the visual or auditory supervision of facility staff.

"Seasonal child care program" means a child care facility which operates a seasonal program, such as a summer or migrant program, which is subject to licensing by the Department.

The definition of "Prospective employee" was removed.

The definition of "Background check" was revised by adding the phrase "and other state child protection systems, as appropriate," after "(CANTS)" and removing the reference to checking child support records for delinquent child support payments.

The definition of "Conditional employee" was amended to read:

"Conditional employee" means an individual (including any substitute or assistant) who has applied for and been conditionally selected to perform child care functions or administrative, professional, or support functions that allow access to children and who has commenced such duties while awaiting the results of the background check required by this Part.

The definition of "Denial of application for license" was modified by adding the words "or permit" after the phrase "refusal to grant a license."

The definition of "Employee" was revised to read as follows:

"Employee" means any staff person employed by a child care facility, and includes any substitute or assistant. This definition includes administrative, professional and other support staff who have access

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to children.

The definition of "Initial background check" was revised to read:

"Initial background check" means the individual has cleared a check of both the Child Abuse and Neglect Tracking System and the Statewide Child Sex Offender Registry.

The definition of "License applicant" was revised by inserting "for purposes of this Part" after "means."

The definition of "Licensing representative" was revised as follows:

"Licensing representative" means persons authorized by the Department under the Child Care Act of 1969 to examine facilities for licensure.

The last sentence of the definition of "Multi-function agency" was revised to read as follows:

In a multi-function agency, only the persons with direct authority for the operations of the child care facility and those who have access to children, as defined in this Section, are subject to the background check requirements of this Part.

The last sentence in the definition of "Operator" was stricken.

The definition of "Parental involvement" was revised to read as follows:

"Parental involvement" means parental assistance with a child care program such as participation in field trips, parties, attendance on special days or for special events, or parental support and cooperation in the classroom.

The definition of "Persons subject to background checks" was revised to read as follows:

"Persons subject to background checks" means:

- the operator(s) of the child care facility; and
- all current and conditional employees of the child care facility; and
- any persons who are used to replace or supplement staff; and
- any person who has access to children, as defined in this Section; and
- any person who provides services that allow unsupervised access to children if the requirement for background checks is a condition of the contract or agreement or is required otherwise under 89 Ill. Adm. Code 357, Purchase of Service.

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If the child care facility operates in a family home, the license applicant(s) and all members of the household age 13 and over are subject to background checks, as appropriate, and even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

Section 385.20(a) - The effective date of these amendments was changed from October 1, 1996 to April 1, 1997. The time period during which facilities are required to have all persons subject to background checks submit a background check and submit to fingerprints has been extended from thirty days after the date of notice to sixty days after the date of notice.

Section 385.30(b) - The effective date after which no license will be renewed unless background checks have been authorized was changed from October 1, 1996 to October 1, 1997. The last sentence of this subsection was revised to read:

However, if complete, signed authorizations have been submitted and fingerprints obtained for all persons subject to background checks, as defined in Section 385.20, and a check of the CMWS and Child Sex Offender Registry is completed, renewal of the license shall not be delayed pending receipt of the results of the criminal background check for other persons subject to background checks.

Section 385.30(c) - The last sentence of subsection (c)(1) was moved to become subsection (c)(3) and subsection (c)(2) was renumbered to (c)(4). A subsection (c)(2) was inserted which reads:

2) In addition, foreign nationals who have not resided in Illinois for all of the preceding three years shall submit to their prospective employer (if seeking employment) or licensing representative (if seeking a license to operate a child care facility) a copy of their valid passport and current visa. A copy of the valid passport and current visa shall be attached to the authorization for background check and submitted to the:

Department of Children and Family Services
Central Office of Licensing
406 E. Monroe Street, Station #60
Springfield, Illinois 62701.

Renumbered subsection (c)(4), item (B) was revised to read:

B) persons who have resided outside the State of Illinois for any part of the preceding three years.

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Subsection 385.30(d) - The title was changed to "A. Condition of Employment". The phrase "contact with children" was replaced with the phrase "access to children" here and in all other Sections of 385.30. The last sentence of (d)(1) was revised to read:

This applies to all current and conditional employees subject to background checks, as defined in Section 385.20, and to any individual used as replacement or supplemental staff in the direct care and supervision of children.

Subsection 385.30(d)(2) was deleted in its entirety. Subsection 385.30(d)(3) was renumbered to (d)(2). The mailing address for authorizations of background checks was inserted in renumbered (d)(2) and a sentence was added which reads:

All facsimile transmissions shall be sent to the Employment Fax line at (217) 785-6368.

Subsections 385.30 (f) through (k) were added and current subsection 385.30(f) was relettered to 385.30(1), (g) to (m), (h) to (n) and (l) to (o). (See text for added language.)

In relettered subsection 385.30(1), the clause "unless the child care facility can demonstrate that it took reasonable measures to insure cooperation with the fingerprinting process" was added after "revocation of an existing license". Item (1)(3) was shortened to "weather or transportation emergencies."

Section 385.40(a) (proposed as 385.60) - Insert (1) before the current paragraph. Added a paragraph (2) which reads:

2) Each owner of a for-profit child care facility must certify, under penalty of perjury on forms prescribed by the Department, that he or she is current or not more than 30 days delinquent in complying with a child support order. Failure to so certify may result in a denial of the license application, refusal to renew the license, or revocation of the license. (Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65(c)])

Section 385.40(b) - Removed proposed subsection (b)(3).

Removed proposed Section 385.40(f) and replaced it with subsections (f) and (g) which read:

(f) Operation of Seasonal Programs

Child care facilities that operate seasonal programs, such as migrant or summer only programs, hire staff on a seasonal basis

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for work in the program and then discharge or lay off the staff until the beginning of the next season, when the time period between the end of one seasonal program and the beginning of the next program is more than six months, a check of the Child Abuse and Neglect Tracking System and the Statewide Child Sex Offender Registry must be completed (if the individual has access to the system) before 22e individual begins his or her duties for the next season. If the individual has cleared a criminal history check within the past three years via the Department's fingerprinting system, no additional criminal history check is required for the employee to be able to resume these duties.

(g) Commingling Not Permitted

If a child care facility operates within the same building as other agencies or organizations or is part of a multi-function agency that offers services which are not subject to Department licensing, the child care facility shall develop a plan to limit and/or supervise access to children receiving care in the licensed facility by individuals who are not subject to the background check requirements of this Part. The plan shall be approved in writing by the governing body and the supervising licensing agency by June 30, 1997.

Relettered (g) to (h). The proposed last sentence from relettered (h) and created an (i) which reads:

i) Limitations on the Use of Conditional Employees

Conditional employees shall not be left alone with children outside the visual or auditory supervision of staff until the results of the initial background check have been received.

Section 385.50(b) - Moved the language from (b)(3) which begins "Such evidence shall include. . . ." to the end of (b)(1).

Section 385.60 - Added a new (c) which reads:

c) Special Provisions for Service Providers

As a condition of a contract or agreement, or as otherwise required under 89 Ill. Adm. Code 357, Purchase of Service, the Department may require a person who provides services that allow unsupervised access to children to authorize a background check under this Part.

Relettered former (c), (d), and (e) to (d), (e), and (f) respectively. In relettered 385.60(d), item (3) was ended after "committed" and the

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remainder of item (3) was used to create item (4). Former (4) was renumbered to (5). Former (5) was replaced by the following:

- 6) commutation of the sentence by the Governor or granting of a pardon;
 - 7) overturn of the conviction upon appeal;
- Former (6) and (7) were renumbered to (8) and (9) respectively.

Section 385.60(e)(5) was revised to read:

- 5) character references and other information submitted by or on behalf of the employee or any other person, especially about the suitability of the individual to care for child(ren).

Section 385.70(a) - The proposed added language to the first sentence was removed and the entire sentence was struck-out. The phrase "in writing" was added after "notify".

Section 385.70(b) - The phrase "in writing" was added after "notify the Department". The following sentences were added to the end of Section 385.70(b).

The decision of the employer is final, subject to review under the personnel policies of its governing body. Such hiring decisions may not be appealed to the Department of Children and Family Services.

Subsections 385.70(c) and (d) were added as follows:

- c) Request for Subsequent Background Check

The employer of a person who has been relieved of child-related duties pursuant to this Part may request another background check if the circumstances leading to the relieving of child care duties have changed. A change of circumstances may include, but is not limited to:

- 1) pending criminal charges have been dismissed, resulted in an acquittal or conviction for a lesser charge;
- 2) a conviction is reversed on appeal;
- 3) the indicated finding of abuse or neglect is expunged, amended to another allegation, or amended to "unfounded";
- 4) a pending child protection investigation of abuse or neglect is "unfounded"; or

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- 5) the records of the circuit court, local or State police, if relied upon to teach the decision, have been amended.

- d) Delinquent Child Support

If the license applicant(s) has been denied a license or the Department has refused to refuse to renew a license because he or she is more than 30 days delinquent in child support, the applicant may reapply if he or she submits proof that the child support has been paid in full or that a payment schedule has been arranged with the Department of Public Aid (Title IV-D support cases) or the court of jurisdiction (all other child support cases).

Section 385.70(e) was removed in its entirety.

Section 385.80(a) was revised by replacing "deny licensure" with "deny a license or permit". Proposed subsection 385.80(b) was removed in its entirety and replaced with the following:

- b) Appeal Process for Denial of License or Permit

An individual requesting an opportunity for an appeal pursuant to subsection (a) above shall submit such request, in writing, to the:

Administrative Hearings Unit
Department of Children and Family Services
160 N. LaSalle St.
Chicago, Illinois 60601

All such requests must be postmarked within ten days after the date of written notice of the denial of an application for license or permit.

- c) Review of File

- 1) After the Administrative Hearings Unit has received the individual's request for an appeal, the Administrator of the Administrative Hearings Unit shall notify the Department that the individual has appealed and the Department shall send to the Administrator a copy of the notice of denial of the application for a license or permit. The notice of denial shall be prima facie evidence that the Department had a basis for refusing to issue the license or permit.

- 2) The Administrator shall ask both the Department and the individual to submit any documents, records, statements, or

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other materials pertinent to the Department's denial of the application for licensure to create an appeal file. The Administrator shall further advise the Department and the individual of the intent to examine the appeal file, including all materials submitted for the appeal file, to determine whether a genuine issue of material fact exists. Within ten business days after the date of the Administrator's request for materials, both the Department representative and the individual shall submit to the Administrative Hearings Unit and to the individual any and all documents, records, statements, materials, or evidence to establish that the Department's decision to deny the license because of background check was either correct or incorrect.

- 3) At least ten business days after the Administrator's request for materials, the Administrator shall examine the entire appeal file, including all materials submitted by both parties, and shall determine if a genuine issue of material fact exists.
- 4) If the Administrator determines that no genuine issue of material fact exists, the Administrator shall dismiss the appeal. The letter dismissing the appeal shall be the final administrative decision of the Department.

d) The Appeal Process

The individual shall be notified, in writing, of the date, time and location of the appeal hearing. The individual may be represented by counsel of his or her choice, and may present evidence and/or witness(es) on his or her own behalf. The individual shall be required to produce evidence that he or she is not the individual identified in the background report, the background check report is inaccurate, or, if the issue is delinquency in the payment of child support, that the child support has been paid in full or that a payment schedule has been arranged with the Department of Public Aid (Title IV-D cases) or a court of jurisdiction (all other child support cases). Evidence to be considered shall be limited to:

- 1) When the appeal involves an indicated CANTS report, written statements from the administrator of the child protection division for the Department that the individual named in the report is not the individual in question or that the record has been expunged or amended; or
- 2) When the appeal involves a criminal history record, evidence shall be limited to written statements from a law enforcement

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agency or clerk of the court that the subject of the criminal history record provided to the Department is not the individual in question, was never convicted of the crime as alleged in the criminal history record, was granted a full pardon by the governor indicating that the person did not commit the crime, or that the crime was amended, expunged; or that the information in the criminal record history concerning the existence of the conviction was erroneous; or

- 3) When the appeal involves delinquent child support, written statements from the Department of Public Aid or the clerk of the court, as applicable, that child support has been paid in full or a payment schedule arranged or that the payment record was incorrect.

Subsection 385.80(c) and (d) were revised to (e) and (f) respectively. The language in subsection (e) which began "The person(s) conducting the review" was replaced with "The administrative law judge conducting the appeal" and "review" was replaced with "appeal" later in subsection (e).

Section 385.90(b) - Subsection (7) was added which read:

- 7) such other persons who are lawfully entitled to the information (e.g. persons with a valid subpoena, law enforcement personnel, or the attorney of the individual in question).

A new Section 385.100 was added and former Section 385.100 was renumbered to 385.110. New Section 385.100 reads:

Section 385.100 Confidentiality of Background Check Information

Any employee of the Department of Children and Family Services, the Illinois State Police, or a child care facility receiving confidential information under this Section who gives or causes to be given any confidential information concerning any criminal convictions or child abuse or neglect information of a child care facility applicant, or child care facility employee, shall be guilty of a Class A misdemeanor unless release of such information is authorized by Sections 4.1 and 4.3 of the Child Care Act of 1969 (225 ILCS 10/4.1 and 4.3).

Section 385. Appendix A, first paragraph a colon was inserted after "this conviction will serve as a bar to" and the following language was used to describe the bar: "receiving a license or permit to operate as a child care facility and renewal of an existing license to operate a child care facility; residing in a family home in which a child care facility operates; obtaining employment or continuing in employment in a licensed child care facility which allows access to children as part of the duties;

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obtaining a contract or agreement or providing services on behalf of the Department that allows unsupervised access to children."

Felony unlawful restraint and all drug related crimes were removed from the crimes list.

Appendix B, Matrix of Persons Subject to Background Checks Under Part 385, was added to the rules. (See text for language.)

12) Have all the changes aurred upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Adopted Amendments: Access to Children - The primary concept in these adopted amendments is whether a person has "access to children". A person who has access to children is any employee who must be in the licensed child care facility during the hours that children are present in the facility. In addition, any person permitted to be alone with children receiving care in a licensed child care facility outside the visual or auditory supervision of facility staff is subject to the background check requirements of this Part.

Contents of Authorization for Background Check - Rule language has been clarified that an authorization for a background check includes both signing the authorization for background check form and being fingerprinted, if age 18 or over.

Scope of Background Checks - Every person subject to a background check will be processed through the Child Abuse and Neglect Tracking System (CANTS) and the Statewide Registry of Child Sex Offenders. If the individual is ages 13 through 17, a check of the Law Enforcement Agency Data System (LEADS) will be completed. (LEADS will identify only those crimes when a juvenile has been tried and convicted as an adult. No juvenile crimes are included in LEADS.) If the individual is an adult, fingerprints will be required. The criminal history records of the Illinois State Police will be checked for all adults subject to background checks and the records of the Federal Bureau of Investigation will be checked if the individual has not lived in Illinois all of the three preceding years or if there is evidence of criminal activity in Illinois which may affect the individual's ability to be licensed or employed.

Authorization of Background Checks a Condition of Employment - As a condition of employment, new employees of a child care facility must authorize a Background Check by signing the authorization form and appearing to be fingerprinted. The child care facility must notify the

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Department of a new individual's employment within two business days after he or she begins employment.

Responsibility for Cooperation - Employees of a child care facility and applicants for license renewal are expected to keep their appointments for fingerprinting. Failure to attend the fingerprinting appointment without adequate cause may result in the denial, refusal to renew, or revocation of the license. Examples of adequate cause for failure to appear for the scheduled fingerprinting appointment are death in the family of the person, serious illness of the person or in the person's immediate family, or weather or transportation emergencies.

Special Provisions for Facilities That Operate Within a Family Home - Day care homes, group day care homes, and foster family homes provide child care within a family home setting. All members of the household age 13 and over must authorize a background check, even if they are not usually present when the child care facility is in operation. Fingerprints will be required for all adult members of the household (age 18 and over).

Additional Special Provisions for Foster Families - Applicants for licensure as a foster family home and foster parents due for license renewal are subject to a more inclusive list of criminal convictions which serve as a bar to licensure. This list of crimes is attached to 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes. This longer list of crimes applies to all members of the household age 13 and over, except for foster children placed with the licensed foster family.

Applicability to Employees of Child Welfare and Day Care Agencies - Any employee of a child welfare agency who is involved in the placement of children in, or the licensure or supervision of a foster family or adoptive home, relative home, group home, child care institution, youth emergency shelter, independent living arrangement, or any employee of a child welfare or day care agency who is involved in the supervision of a day care home is subject to the background check requirements of this Part.

Work Study Students - Work study students who are under the auditory or visual supervision of facility staff at all times require only a CANTS and Child Sex Offender Registry check. If the child care facility allows work study students to be alone unsupervised with children, then the student is being used as replacement or supplemental staff and a criminal background check via fingerprints is required.

Volunteers and Parents - No background check of any type is required for volunteers and parents unless they are left alone with children outside the visual or auditory supervision of facility staff.

Child Support Provision - Each owner of a for-profit child care facility

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must certify that he or she is current or not more than 30 days delinquent in an order for child support. If the individual is unable to make this certification, a payment arrangement must be negotiated with the Department of Public Aid (if this is a Title IV-D support order) or the court of jurisdiction before a license may be issued or renewed. Failure to pay in accordance with the payment schedule will result in revocation or refusal to renew the license.

Persons Employed or Licensed Before March 1, 1996 - With these amendments, which become effective April 1, 1997, the Department will begin conducting complete background checks (criminal history, child abuse/neglect history, and Child Sex Offender Registry) on persons who were employed in a child care facility before March 1, 1996, and on entities which were licensed as a child care facility as of March 1, 1996.

Process for Obtaining Background Checks - The Department will send a notice to currently licensed child care facilities instructing the operator, facility employees who have access to children, and other persons subject to background checks to authorize complete background checks. Within 60 days after the date on the notice, the child care facility must submit completed, signed authorizations for background checks, including fingerprints (when required), for all persons subject to background checks in the facility. Failure to submit completed, signed authorizations for background checks, including fingerprints, will result in license revocation or refusal to renew the license.

Plan Approved by Governing Body and Supervising Agency by June 30, 1997 - When licensed child care facilities are housed in the same building with agencies, organizations or individuals who are not subject to Department licensing or is part of a multi-function agency that provides services not subject to Department licensing, the facility operator must develop a plan to limit or supervise access to children receiving care in the facility by persons who have not cleared a background check. This plan is to be submitted to the governing body of the child care facility and the supervising licensing agency and approved by both the facility and the licensing agency no later than June 30, 1997.

License Renewals After October 1, 1997 - In no event will any child care facility license be renewed after October 1, 1997, unless:

- all persons subject to background checks have authorized the background check by signing an authorization for background check and having their fingerprints taken; and
- the results of the complete background check (criminal history, child abuse/neglect history, and Child Sex Offender Registry), have been received for the operator of the child care facility; and

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- the results of the CANTS and Child Sex Offender Registry checks have been received on all other persons subject to background checks within the facility.

16) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 E. Monroe Street, Station #65
Springfield, IL 62701
Telephone: (217) 524-1983
Ttiff: (217) 524-3715

The full text of the adopted amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER 4: LICENSING ADMINISTRATION

PART 385
BACKGROUND CHECKS

- Section 385.10 Purpose
385.20 Definitions
385.30 Applicability of This Part
385.40 Authorization for Background Checks Investigation
385.50 Child Abuse or Child Neglect
385.60 Criminal Convictions and Pending Criminal Charges
385.70 Disposition of Background Checks Investigation
385.80 Appeal of Decisions to Deny License or Permit Based on Background
385.90 Records to be Maintained by the Child Care Facility
385.100 Confidentiality of Background Check Information
385.110 Severability of This Part
APPENDIX A Criminal Convictions Preventing Licensure, Employment, or Residence in a Family Home in Which a Child Care Facility Operates
APPENDIX B Matrix of Persons Subject to Background Checks Under Part 385

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 101; Section 5(a)(3)(A) and (F) and (v) of the Children and Family Services Act [20 ILCS 505(a)(3)(A) and (F) and (v)]; and Section 55a(34) of the Civil Administrative Code [20 ILCS 2605/55a(34)].

SOURCE: Emergency rules adopted at 10 Ill. Reg. 19123, effective October 29, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 6398, effective March 31, 1987; amended at 13 Ill. Reg. 5917, effective May 1, 1989; emergency amendment at 20 Ill. Reg. 3930, effective March 1, 1996, for a maximum of 150 days; modified in response to Joint Committee on Administrative Rules objection at 20 Ill. Reg. 5712; emergency expired on July 28, 1996; amended at 21 Ill. Reg. 4444, effective _____.

Section 385.10 Purpose

The purpose of this Part is to ensure the safety and well-being of children cared for in any facility subject to licensing licensed by the Department of Children and Family Services by requiring that the operators of child care facilities and other persons subject to background checks, as defined in Section 385.20, their employees be screened for a history of possible child abuse or child neglect, prior criminal convictions or pending criminal charges. Each owner of a for-profit child care facility is required to certify, under penalty of perjury on a form provided by the Department, that he

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or she is current or not more than 30 days delinquent in complying with a court order for child support. In addition, the Department may require service providers who have access to children as part of their duties to authorize a background check as required by 89 Ill. Adm. Code 357. Purchase of Service. Such screening is a condition of licensure or employment in child care facilities as such facilities are defined by the Child Care Act of 1969 (41 Ill. Rev. Stat. 1985, ch. 23, par. 2212-05 et seq.) and this Part shall be construed in conjunction with the licensing standards for the type of facility for which license or employment is sought.

(Source: Amended at 21 Ill. Reg. 4444, effective _____)

Section 385.20 Definitions

"Access to children" means a child care facility employee's job duties require that the employee be present in a licensed child care facility during the hours that children are present in the facility, in addition, an employee who is not present in the facility but is in a position of supervision of facility staff with children residing in a licensed child care facility is subject to the background check requirements of this Part.

"Adult" means any person who is 18 years of age or older.

"Assistant" or "child care assistant" means a person who assists a licensed home caregiver in the operation of the day care home, group day care home, or foster family home.

"Authorization for background check" means a complete, signed form prescribed by the Department which authorizes a background check as defined in this Part and submission of fingerprints, if required. An authorization for a background check may be used for the initial and all subsequent background checks required to determine compliance with the requirements of this Part.

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate, or via a LEADS check of persons ages 13 through 17; and
- a check of the Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect, and

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- a check of the Statewide Child Sex Offender Registry.

"CANTS" means the Child Abuse and Neglect Tracking System operated and maintained by the Illinois Department of Children and Family Services.

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10/2.01])

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody, in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. "Child care facility" includes a relative who is licensed or who applies for a license as a foster family home under Section 4 of the Child Care Act of 1969. (Section 2.05 of the Child Care Act of 1969) Child-care facility means any person, group of persons, agency, association or organization which arranges for care or cares for children--unrelated to the operator of the facility--apart from the parents in any facility as defined in the Child-Care Act of 1969. Child-care facilities may be established for profit or not-for-profit. A child care facility may consist of distinct unit(s), division(s), or department(s) of a multi-function agency. "Child care facility" is further defined in Section 2.05 of the Child Care Act of 1969. As used in this Part, "child care facility" means any child care institution, maternity center, child welfare agency, day care center, day care agency, group home, foster family home, or day care home, group day care home, or youth emergency shelter as defined by the Child Care Act of 1969.

"Conditional employee" means an individual (including any substitute or assistant) who has applied for and been conditionally selected to perform child care functions of administrative, professional, or support functions that allow access to children and who has commenced such duties while awaiting the results of the background check required by this Part.

"Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury. (Section 2-5 of the Criminal Code of 1961 [170 ILCS 5/2-5])

"Date of notice" means the date of the written notice to a license holder that all persons subject to background checks, as defined in this Section, must authorize such checks and submit to fingerprinting.

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- if required.

"Denial of application for license" means the refusal to grant a license or permit to a person, group of persons, agency, association or organization that applied for a license to operate a child care facility.

"Department" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969)

"Director" means the Director of the Illinois Department of Children and Family Services.

"Employee"--as-used-in-this-Party means any staff person employed by a child care facility, and includes any substitute or assistant, volunteer--or--work-study-student-used-to-replace-or-supplement-staff. This definition includes administrative, professional and other support staff who have access to children.

"Governing body"--as-used-in-this-Party means the board of directors of a corporation; otherwise, the term means the owner(s) or other person(s), agency, association or organization legally responsible for the operation of the child care facility.

"Initial background check" means the individual has cleared a check of both the Child Abuse and Neglect Tracking System and the Statewide Child Sex Offender Registry.

"LEADS" means Law Enforcement Agency Data System.

"License" means a document issued by the Department of Children--and Family--Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License applicant" means the operator or person with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act of 1969)

"Licensee" means the operator or person with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act of 1969)

"Licensing representative" means persons authorized by the Department for purposes of this-Party--means--Department--staff--authorized under the Child Care Act of 1969 to examine facilities for licensure.

"Member of the household" means a person who resides in a family home

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as evidenced by factors, including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another authority which is punishable solely as a petty offense. (Section 6-60 of the Illinois Driver Licensing Law [62 ILCS 5/6-60])

"Multi-function agency" as used in this Part means an agency, association, or other organization which operates a child care facility, child welfare agency, or day care agency in addition to among other services not subject to licensure under the Child Care Act of 1969. A child care facility, child welfare agency, or day care agency may consist of distinct unit(s), division(s), or department(s) of a multi-function agency. In a multi-function agency, only the persons with direct authority for the operations of the child care facility and those who have access to children, as defined in this Section, are subject to the background check requirements of this Part.

"Operator" means any the person responsible for the day-to-day management of the child facility. If the governing body is a partnership, association, or corporation, "operator" means the chief executive officer or other persons serving in like capacity.

"Parental involvement" means parental assistance with a child care program such as participation in field trips, parties, attendance on special days for special events, or parental support and cooperation in the classroom.

"Persons subject to background checks" means:

- = the operator(s) of the child care facility;
- = all current and conditional employees of the child care facility;
- = any person who is used to replace or supplement staff;
- = any person who has access to children, as defined in this Section; and
- = any person who provides services that allow unsupervised access to children if the requirement for background checks is a condition of a contract or agreement or is required otherwise under 89 Ill. Adm. Code 357, Purchase of Service.

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If the child care facility operates in a family home, the licensee applicant(s) and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

"Prospective employee" means an individual (including any volunteer or work study student used to replace or supplement staff in the direct care or supervision of children) selected by the governing body or operator of a child care facility who has met the qualifications for his or her position with the exception of the background investigation required of this Part and a medical examination (if required by applicable licensing standards).

"Replacement or supplemental staff" means any paid or unpaid individual who is used to perform essential staff duties as evidenced by being counted in the staff-child ratio or being allowed to be alone with children in a licensed child care facility outside the visual or auditory supervision of facility staff.

"Seasonal child care program" means a child care facility which operates a seasonal program, such as summer or migrant program, which is subject to licensing by the Department.

"State Central Register" means the child abuse and neglect data system maintained by the Department pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 40]. (111--Rev--Stat--1985--ch--237 Par--2251-et-seq.)

"Statewide Child Sex Offender Registry" means the registry of felony child sex offenders operated and maintained by the Illinois State Police.

"Substitute" means a permanent or temporary employee(s) who is used to replace or supplement regular staff.

"Supervising agency" means a licensed child welfare agency, a licensed day care agency, a license exempt agency, or the Department.

(Source: Amended at 21 Ill. Reg. 4444, effective _____)

Section 385.30 Applicability of this Part

a) Effective Date of Amendments

These amendments become effective April 1, 1997 for all licensed child care facilities in which any person subject to a background check, as defined in Section 385.20, has not authorized CANTS and criminal

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history background checks and submitted to fingerprinting, if required. Such facilities shall submit completed, signed authorizations for background checks for all persons subject to background checks within sixty days after the date of notice from the Department requesting such authorizations.

b) License Renewals

In no event may any existing child care facility license be renewed after October 1, 1997 unless all such background checks have been authorized and fingerprints obtained as required by this Part. The license shall not be renewed until the results of the background check (CANS), Child Sex Offender Registry, and criminal history have been received for the operator of the child care facility. However, if complete, signed authorizations have been submitted and fingerprints obtained for all persons subject to background checks, as defined in Section 385.20, and a check of the CANS and Child Sex Offender Registry is completed, renewal of the license shall not be delayed pending receipt of the results of the criminal background check for other persons subject to background checks.

c) Scope of Background Checks

All persons subject to background checks pursuant to this Part shall be processed through the Child Abuse and Neglect Tracking System (CANTS), and the Statewide Child Sex Offender Registry, prior to the issuance of a license. All persons age 18 and over shall be submitted to the Illinois State Police for criminal history check. The Enforcement Bureau Data System (EBCDS) check shall be completed for all persons ages 13 through 17 who are subject to background checks, as defined in Section 385.20.

In addition, foreign nationals who have not resided in Illinois for all of the preceding three years shall submit to their prospective employer (if seeking employment) or licensing representative (if seeking a license to operate a child care facility) a copy of their valid passport and current visa. A copy of the valid passport and current visa shall be attached to the authorization for background check submitted to Department of Children and Family Services, Central Office of Licensing, 406 E. Monroe Street, Station #60, Springfield, Illinois 62701.

In addition, each owner of a for-profit corporation, as a condition of license renewal, must certify under penalty of perjury that he or she is current or not more than 30 days delinquent in complying with a child support order. Failure to so certify may result in a denial of the license application, refusal to renew the license, or revocation of the license. [5 ILCS 100/10-65(c)]

4) Fingerprints for the following persons are 18 and over shall be submitted to the Federal Bureau of Investigation (FBI) for a search of its records for evidence of prior criminal activity: A) persons who have a record of criminal activity which may impact their suitability for licensure/employment by their

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own acknowledgment or according to the records of the Illinois State Police, and persons who have resided outside the State of Illinois for any part of the preceding three years.

d) A Condition of Employment

1) As a condition of employment and continuing employment in a licensed child care facility in a position which allows access to children, all persons subject to background checks, as defined in Section 385.20, shall complete and sign authorizations for background checks and submit to fingerprinting, if required. This applies to all current and conditional employees subject to background checks, as defined in Section 385.20, and to any individual used as replacement of supplemental staff in the direct care and supervision of children.

2) Complete, signed authorizations for background checks must be sent to the Department of Children and Family Services, Central Office of Licensing, 406 E. Monroe Street, Station #60, Springfield, Illinois 62701. All background authorizations must be submitted within 60 business days after the person's employment begins in the facility. Persons hired to begin work on or after March 1, 1996, or within thirty days after the date of notice to the license holder for all persons employed in a child care facility before March 1, 1996. All facsimile transmissions shall be sent to the Employment Fax Line at (217) 785-6368.

e) Child Care Facilities that Operate Within a Family Home

If the child care facility operates in a family home, adult members of the household shall be fingerprinted to be screened for prior criminal convictions and current pending criminal charges in accordance with the requirements of this Part. Members of the household ages 13 through 17 shall be screened for prior criminal activities (if tried and convicted as an adult) via the IPADS system. All household members age 13 and over shall be screened for a history of child abuse or neglect and for inclusion in the Statewide Child Sex Offender Registry. These background checks are required even if members of the household usually are not present in the home during the hours the child care facility is in operation.

Programs Operated Under the Auspices of Child Welfare or Day Care Agencies

The background check requirements of this Part apply to:

- 1) employees of a child welfare agency who are involved in the placement in licensure of, or supervision of foster family or adoptive homes, relative homes, group homes, child care institutions, youth emergency shelters, or independent living arrangements; and
- 2) employees of a child welfare agency or day care agency who are involved in the licensure or supervision of licensed day care homes; and

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- 2) persons used as replacement or supplemental staff identified in subsection (1)(1) or (2) above.
- g) Service providers who enter into a contract or agreement, or as otherwise required under 89 Ill. Adm. Code 357, Purchase of Service, the Department may require a person who provides services that allow unsupervised access to children to authorize a background check under this Part.
- h) Issuance of Permits

A permit may be issued when:

- 1) the facility operator has cleared a complete background check (criminal history, CANTS and Statewide Child Sex Offender Registry); and
- 2) if a for-profit corporation or other for-profit legal entity, the owner has certified that he or she is current on not more than 30 days delinquent in complying with a child support order; and
- 3) all other persons subject to background checks have been fingerprinted (if required), as verified by a fingerprint receipt, and have obtained their CANTS and Statewide Child Sex Offender Registry clearances; and
- 4) the facility is in compliance with all other applicable licensing requirements for issuance of a permit.

h) Work Study Students

No criminal history check is required unless work study students are used as replacement or supplemental staff, as defined in Section 385.20. However, CANTS and Child Sex Offender Registry checks must be completed for all work study students.

i) Volunteers

No background checks (CANTS, Child Sex Offender Registry, criminal history) is required unless volunteers are used as replacement or supplemental staff, as defined in Section 385.20.

k) Parental Involvement

Parental involvement in a child care facility program does not require a background check unless the parent is used as replacement or supplemental staff, as defined in Section 385.20. Nothing in this Part is intended to prohibit a parent from being left alone unsupervised with his or her own children.

l) Responsibility for Cooperation

Child care facilities shall be responsible for ensuring that persons subject to criminal background checks make themselves available for fingerprinting when scheduled by the Department or its authorized representative(s). Failure of a person subject to criminal background checks to appear for scheduled fingerprinting may result in the denial of a license application or refusal to renew or revocation of an existing license unless the child care facility can demonstrate that it took reasonable measures to insure cooperation with the fingerprinting process. Adequate cause for failure to appear for fingerprinting includes, but is not limited to:

- 1) death in the family of the person; or

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- 2) serious illness of the person or illness in the person's immediate family; or
- 3) weather or transportation emergencies.

m) Limitations on Criminal Offenders

Persons are 18 and over who have been convicted of committing or attempting to commit the offenses in Section 385.60(a) or (b) when applicable, and persons are 13 and over who have been tried as an adult and convicted for the crimes identified in Section 385.60(a) or (b) below shall not:

- 1) receive a license from the Department to operate a child care facility or have such a license renewed; or
- 2) be employed by a child care facility licensed by the Department in a position which allows access to children; or
- 3) be a member of the household in a family home in which a child care facility operates; or
- 4) obtain a contract or agreement from the Department to provide services which allow access to children if the requirement for such background checks is a condition of the contract or agreement.

n) Limitations on Perpetrators of Child Abuse/Neglect

Persons who have been indicated as the perpetrator of any of the child abuse/neglect allegations identified in Section 385.50(a) are presumed to be unfit for service which allows access to children. These indicated perpetrators are limited in the same manner as the criminal offenders in subsection (m) above unless the Director or designee has waived in writing the presumption of unsuitability. Such waivers may be requested in writing in accordance with Section 385.50(b).

o) No Charge for Background Checks

There is no charge to license applicants or licensed child care facilities for the background checks which are required by this Part.

(Source: Old Section 385.30 renumbered to Section 385.50; New Section 385.30 added at 21 Ill. Reg. 4466, effective 11/1/00)

Section 385.40 Authorization for Background Investigation Checks

a) Persons Required to Authorize Background Checks

1) All persons required to authorize background checks (as defined in Section 385.20) must authorize such checks as a condition of employment and continuing employment. Initial license or the renewal of an existing license, continued licensing, or when required for a contract with the Department.

2) Each owner of a for-profit child care facility must certify, under penalty of perjury on forms prescribed by the Department, that he or she is current on not more than 30 days delinquent in complying with a child support order. Failure to so certify will result in a denial of the license application, refusal to renew

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- the license, or revocation of the license. (Section 10-65(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-65(c)])
- 4) Back-operator-of-a-child-care-facility-as-a-condition-of-licensure each-member-of-the-household-in-a-family-home--18-years-of-age--or older--and--each-employee--and--prospective-employee-of-a-child-care facility-as-a-condition-of-employment--shall-authorize-the-department to-conduct-a--background-check--consisting-of-a-search-of-the-Child Abuse-and-Neglect-Tracking-System--(CANGS)--maintained-by--the--State Central-Register-to-determine-whether-the-person-has-been-indicated-as-a-perpetrator-of-child-abuse-or-child-neglect
- 5) Contents of Authorization

The authorization required by this Section shall be on form a-form prescribed by the Department and shall include:

- 1) Identifying information consisting of name, address, Social Security number, date of birth, height, weight, hair and eye color, previous names and addresses;
 - 2) a certification under penalty of perjury identifying any prior convictions, more other than a minor traffic violation, as defined in this Part, and of any pending criminal charges;
- 3) authorization for the Department to release the results of the background check investigation to the governing body, employer or, in the case of a child care facility, the child care facility operating in a family home, to the supervising agency for the child care facility.

- c) Employees Absent from Active Duty
- For purposes of this Part only, employees who have been separated from a child care facility licensed by the Department of Children and Family Services for six months or longer (for reasons other than vacation, sabbatical leave, sick leave or maternity leave) shall no longer be considered current employees. Upon their return to active duty, such individuals shall be required to again authorize a background check investigation pursuant to this Part Section.

- d) Transfers Between Licensed Facilities
- After March 1, 1996, facilities which hire an employee who has cleared a complete background check consisting of a criminal history check and a CANGS check and a check of the Statewide Child Sex Offender Registry at a facility licensed by the Department of Children and Family Services do not need to complete another background check if:
- 1) the employee transfers to another facility licensed by the Department of Children and Family Services; and
 - 2) there is less than six months between leaving one facility licensed by the Department and beginning employment at another facility licensed by the Department.

- e) License Inactive for Six Months or Longer
- Persons who have been previously licensed, but who have not held a valid license for six months or longer (for reasons other than pending administrative appeals), shall be required to again authorize a background check pursuant to this Part before another license may be

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issued.

E) Operation of Seasonal Programs

- Child care facilities that operate seasonal programs, such as migrant or summer only programs, hire staff on a seasonal basis for work in the program and then discharge or lay off the staff until the beginning of the next season. When the time period between the end of one seasonal program and the beginning of the next program exceeds more than six months, a check of the Child Abuse and Neglect Tracking System and the statewide child sex offender Registry shall be completed (if the individual has access to children) before the individual begins his or her duties to the children. If the individual has cleared a criminal history check within the past three years via the Department's criminal history system, no additional criminal history investigation is required. Facilities are not required to conduct a background check on the employee to be able to resume these duties.
- g) Childcare Not Permitted
- Employment and prospective-employee(s) of a multi-function-agency otherwise-exempt-from-the-requirements-of-a-child-care-facility--shall require-that-they-be-on-the-premises-of-a-child-care-facility--shall authorize-the-background-investigation-required-by-this-Part

- If a child care facility operates within the same building as other agencies or organizations or is part of a multi-function agency, that offers services which are not subject to Department licensing, the child care facility shall develop a plan to limit and/or supervise access to children receiving care in the licensed facility by individuals who are not subject to the background check requirements of this Part. The plan shall be approved in writing by the governing body and the supervising licensing agency by June 30, 1997.

h) Conditional Employment

- An individual hired to begin employment on or after March 1, 1996 who has authorized the background check investigation required by this Part may be employed by a child care facility on a conditional provisional-or-probationary basis pending the outcome of the required background check investigation. The form authorizing such an a background check investigation shall be sent to Department of Children and Family Services postmarked within two business days after the commencement of such employment or use in a role which replaces or supplements staff. All facsimile transmissions shall be sent to the Employment Fax Line at (217) 785-4368, forwarded to the Department immediately by the governing body--or-operator--of-the-child-care facility--employing-the-individual--The Department shall complete the investigation required by this Part within ninety (90) days of receipt of the authorization.

i) Limitations on the Use of Conditional Employees

- Conditional employees shall not be left alone with children outside the visual or auditory supervision of staff until the results of the initial background check have been received.

(Source: Amended at 21 Ill. Reg. 1444, effective

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Section 385.5030 Child Abuse or Child Neglect

- a) The Department makes the presumption that an individual No-individual may receive a license from the Department or be employed by the Department as a caregiver if licensed by the Department who has been determined to be a perpetrator of child abuse or neglect involving the allegations listed below, as defined in Appendix B, Child Abuse and Neglect Allegations, of 89 Ill. Adm. Code 300. Reports of Child Abuse and Neglect, is not suitable for work which allows access to children under Section 3 of the Abused and Neglected Child Reporting Act, 40 Rev. Stat. 1995, ch. 23, par. 305.3, and who has been identified through a court (juvenile, criminal, civil) proceedings as having been a perpetrator of child abuse or neglect based on any one of the following:
- 1) Death
 - 2) Brain damage or skull fracture
 - 3) Subdural hematoma
 - 4) Internal injuries
 - 5) Wounds (gunshot, knife, or puncture)
 - 6) Torture
 - 7) Sexually transmitted diseases
 - 8) Sexual penetration
 - 9) Sexual molestation
 - 10) Sexual exploitation
 - 11) Failure to thrive
 - 12) Malnutrition
 - 13) Medical neglect of disabled infant
- 14) A single indicated report of child abuse or neglect that resulted in serious injury to the child, regardless of the allegations involved
- 15) More than one indicated report involving any of the following allegations, regardless of severity:
- A) Burns or scalding
 - B) Poison or noxious substances
 - C) Bone fractures
 - D) Cuts, bruises, or welts
 - E) Human bites
 - F) Sprains or dislocations
 - G) Tying or close confinement
 - H) Substance abuse
 - I) Mental injury
 - J) Substantial risk of physical injury
 - K) Inadequate supervision
 - L) Abandonment or desertion
 - M) Medical neglect

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- N) Lock-out
- O) Inadequate food
- P) Inadequate shelter
- Q) Inadequate clothing
- R) Environmental neglect

- b) For purposes of this Section, identification through a court proceeding includes:
- 1) Specific findings by a court that a child's abuse, neglect, or dependency is the result of abuse or other person responsible for a parent's guardian, legal custodian or other person responsible for the child's welfare (as defined in Section 9 of the Abused and Neglected Child Reporting Act)
 - 2) Criminal convictions and civil judgments regardless of the type of sentence imposed or amount of damages recovered for offenses relating to child abuse or child neglect resulting from jury trial, bench (four) trial or voluntary guilty pleas
 - 3) Prior to denying an individual a license or employment pursuant to subsection (a) the Department shall notify the individual that he or she has been identified as a perpetrator of child abuse or neglect as described in subsection (a) above, and the Department or child care facility as applicable shall provide the individual an opportunity to demonstrate that he or she is not the individual identified in the court finding criminal conviction or civil judgment.
 - 4) An individual requesting an opportunity for review pursuant to subsection (a) above shall submit such request in writing to the Department or the child care facility as applicable within ten (10) days of receipt of written notice of the Department's intent to deny a license or the Department's or child care facility's intent to deny employment. The individual shall be notified in writing of the date, time and location of the review. The individual may be represented by counsel of his or her choice and may present evidence and/or witnesses on his or her own behalf. The individual shall be required to produce evidence that he or she is not the individual identified in the court finding criminal conviction or civil judgment. The Department has relied upon in making the identification.
 - 5) Fingerprints processed through the U.S. Justice Department and the Illinois Department of State Police indicating an absence of a conviction arising from child abuse or neglect identified in subsection (a) above.
 - 6) Sworn statements from the law enforcement agency or clerk of the court upon which the Department has relied for the identification that indicate that the individual is not the individual identified in the individual seeking license or employment.
 - 7) Assessment of indicated reports
 - 8) Except as provided in subsection (a) above, a person determined to be the perpetrator of an incident of abuse or neglect under Section 3 of the Abused and

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Neglected Child Reporting Act [325 ILCS 5/3] shall not automatically be denied a license or refused license renewal from the Department because that person has been indicated as a perpetrator of the above allegations or shall not automatically be denied employment a position which allows access to children in a child care facility licensed by the Department. Rather, the Department or the governing body, as applicable, shall provide the individual an opportunity to present evidence which demonstrates fitness for licensure or employment. Such evidence shall include, but not be limited to:

A) the nature of the abuse or neglect with which the individual was identified, including whether the abuse or neglect resulted in serious injury or death to a child or children;

B) the circumstances surrounding the commission of the abuse or neglect, including the age of the perpetrator and the child(ren), that would demonstrate unlikelihood of repetition;

C) the period of time that has elapsed since the abuse or neglect occurred and whether prior incidents of child abuse or child neglect have been indicated against the individual;

D) whether the abuse or neglect involved a single or multiple child victims;

E) the relationship of the incident of child abuse or neglect to the individual's current or conditional prospective job responsibilities in the child care facility; a criminal

F) whether the individual has been indicated as a criminal offender which might have bearing on the individual's ability to employment in a child care facility as licensee or employee;

G) evidence of rehabilitation such as employment, education, participation in therapy since the indicated incident(s) of abuse or neglect; and

H) character references.

2) When the abuse or neglect includes allegations identified in subsection (a) of this Section, the Department presumes the individual is not suitable to be licensed to operate a child care facility or to reside in a family home in which such a facility operates or for a position which allows access to children. If the licensing entity for license applicants and current license holders or the employer for current and conditional employees believes the individual is suitable for licensure, residence in a household in which a child care facility operates, a contract or agreement with the Department which allows access to children, or employment which allows access to children, the licensing entity or the employer may request a review and waiver of the presumption of unsuitability.

3) The Director of the Department or the Director's designee shall

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review any materials submitted on the individual's behalf and may waive the presumption that the individual is unsuitable for licensure or employment which allows access to children or residence in a household in which a child care facility operates if, in the Director or designee's sole judgment, there is good cause for waiving the presumption of unsuitability. If the Director or designee waives the presumption that the individual is unsuitable, the hiring or licensing decision shall be made in accordance with the totality of the requirements of this Part and the applicable licensing standards.

C) Notification of Hiring Decision
A child care facility shall notify the Department in writing of its decision regarding the employment of a person who has been indicated as a perpetrator of child abuse/neglect. Such notice shall be postmarked within 30 days after receipt of the information from the Department about the individual's history as a perpetrator of child abuse or neglect. If the facility chooses to retain the employee, it must notify the Department of this decision and specify in the notice the operating hours of the facility, the duties of the employee, and the hours the employee will be working. The decision of the employer is final, subject to review under the personnel policies of its governing body. Such hiring decisions may not be appealed to the Department of Children and Family Services.

F) An individual requesting an opportunity for review pursuant to subsection (e) above shall submit such request in writing to the Department of Children and Family Services as applicable within ten (10) days of receipt of written notice of the Department's intent to deny a license or the Department or child care facility's intent to deny employment. The individual shall be notified in writing of the date, time and location of the review. The individual may be represented by counsel of his or her choice, and may present evidence and/or witnesses on his or her behalf.

G) In order for an individual to be considered fit for licensure or employment, the person(s) conducting the review must conclude that, when all the evidence presented pursuant to subsection (e) is considered, the individual is more fit for licensure or employment than not. The decision of a governing body regarding employment is final, subject to review under the personnel policies of the governing body. A decision of the Department regarding licensure is final, subject to review by a court of competent jurisdiction.

H) A written record shall be made of any review(s) conducted pursuant to this Section, and such record shall contain copies of all documents relied upon in making a denial/determination of fitness for licensure or employment.

(Source: Section 385.90 renumbered from Section 385.30 and amended at 21

Ill. Reg. 44 4 4, effective 11-1-11)

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Section 385.60 Criminal Convictions and Pending Criminal Charges

- a) Convictions which serve as Bar to Licensure/Employment that Allow Access to Children
- Persons with certain serious criminal convictions shall not receive a license to operate a child care facility or, if such a person has been licensed to operate a child care facility, the licensing entity shall revoke or refuse to renew such license upon learning that the licensee has been convicted of committing or attempting to commit any of the offenses identified below. In addition, no person who has been convicted or committing or attempting to commit any of the offenses listed below shall either be employed in a licensed child care facility in a position that allows access to children or reside in a family home in which a child care facility operates. This includes persons who have been:
- 1) declared a sexually dangerous person under the Sexually Dangerous Persons Act [725 ILCS 205] or identified as a child sex offender in the Statewide Child Sex Offender Registry operated by the Illinois State Police; or
 - 2) convicted of committing or attempting to commit any of the offenses specified in Appendix A of this Part which are defined by the Criminal Code of 1961 [720 ILCS 5] or any earlier Illinois criminal law or code; or
 - 3) convicted of committing or attempting to commit an offense in another state, the elements of which are similar and bear a substantial relationship to any of the criminal offenses specified in Appendix A of this Part.
- b) Special Provisions for Foster Family Homes
- In addition to the provisions set forth in subsection (a) above, no applicant may be licensed by the Department to operate a foster family home, and no person may reside in a foster family home licensed by the Department, who has been convicted of committing or attempting to commit any of the offenses listed in 402.A. Criminal Convictions which Prevent Licensure of 89 Ill. Adm. Code 402. Licensing Standards for Foster Family Homes, or who is included in the Statewide Child Sex Offender Registry (unless the offender is a ward of the State of Illinois placed in the foster home by the Department or its contractual agent).

- c) Special Provisions for Service Providers
- As a condition of a contract or agreement, or as otherwise required under 89 Ill. Adm. Code 357, Purchase of Service, the Department may require a person who provides services that allow unsupervised access to children to authorize a background check under this Part.

- d) Assessment of Criminal Convictions
- Except as specified in subsections (a) and (b) of this Section, an individual convicted of a crime will not automatically be prohibited from licensure, renewal of a license, or employment in a child care facility from residing in a family home in which a child care

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facility operates, or from obtaining a contract with the Department to provide services which allow access to children as part of their duties. Instead, the following shall be considered:

- 1) the nature of the crime for which the individual was convicted;
- 2) the circumstances surrounding the commission of the crime, including the age of the individual, that would demonstrate a low likelihood of repetition;
- 3) the period of time that has elapsed since the crime was committed;
- 4) the number of crimes for which the individual was convicted;
- 5) evidence of rehabilitation such as successful participation in therapy since conviction;
- 6) commutation of the sentence by the Governor or granting of a pardon;
- 7) overturn of the conviction upon appeal;
- 8) character references; and
- 9) the relationship of the crime to the capacity to care for children or to have access to child(ren) cared for in a child care facility.

- e) Assessment of Pending Criminal Charges
- An individual against whom criminal charges are pending shall not be automatically prohibited from licensure, renewal of a license, or employment in a child care facility, residing in a family home in which a child care facility operates, or obtaining a contract with the Department to provide services which allow access to children (as limited by 89 Ill. Adm. Code 357, Purchase of Service) because of the pending criminal charges. In those instances, the following shall be considered:

- 1) the seriousness and nature of the charges which are pending including a determination of whether the charges are among those listed in Appendix A of this Part that serve as a bar to licensure or employment in a position that allows access to children;
- 2) the circumstances surrounding the incident that led to the criminal charge;
- 3) the relationship of the charges to the ability to care for children or to have access to child(ren) in a child care facility;
- 4) whether the individual has ever been convicted of or charged with crimes of a similar nature; and
- 5) character references and other information submitted by or on behalf of the applicant and any other person, especially about the suitability of the individual to care for children.

- f) Notification of Decision
- Child care facilities shall notify the Department in writing of their decision regarding the employment of a person with a criminal history. Such notice shall be postmarked within 30 days after receipt of the information from the Department about the individual's criminal

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history. If the facility chooses to retain the employee, it must notify the Department of this decision and specify in the notice the operating hours of the facility, the duties of the employee, and the hours the employee will be working. The decision of the employer is final, subject to review under the personnel policies of its governing body. Such hiring decisions may not be appealed to the Department of Children and Family Services.

(Source: Added at 21 Ill. Reg. 444.4, effective _____)

Section 385.709e Disposition of Background Checks Investigation

a) Notice of Findings

When the Department shall notify the governing body or operator of the child-care facility in writing of the results of the background investigation in accordance with this Section:

When the subject of the background check investigation is the director, administrator or other chief executive officer of the facility, the Department shall notify in writing the presiding officer of the governing body of the results of the check investigation, and the presiding officer shall take those actions required by this Part. In the case of a group home or a child care facility which operates in a family home, the Department shall notify in writing the supervising agency for the facility of the results of the check.

When notifying the governing body or operator of a child-care facility that an employee or prospective employee is the perpetrator of child abuse or neglect, the Department shall attempt to notify by telephone or in person contact with the employee or prospective employee to verify whether the perpetrator of the indicated incident and the employee or prospective employee are the same person.

b) Child Care Facility Decision Regarding Employment

When the background investigation discloses that an employee or prospective employee was the indicated perpetrator of child abuse or neglect, the Department shall provide the governing body or operator of the facility an abstract of the information contained in the State Central Register and a copy of the court records available to the Department if applicable.

It shall be the responsibility of the governing body or operator of the facility to determine whether to hire or continue the employment of a conditional employee or to reassign the individual in question to a position which does not allow access to children. To provide the individual an opportunity for a review in accordance with the Department's personnel policies Section 385.9e, and to notify the Department in writing of its employment decision within thirty days after receipt of the information from the Department. The decision of the employer is final, is subject to review under the

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personnel policies of its governing body. Such hiring decisions may not be appealed to the Department of Children and Family Services.

d) When the individual indicated as a perpetrator of child abuse or neglect is the applicant for a child care license or an adult member of the household of such applicant, the Department shall conduct a review in accordance with Section 385.9e and shall notify the applicant whether the individual is eligible for a license on the basis of the background check within thirty (30) days of its determination that the applicant or an adult member of the household is an indicated perpetrator of child abuse or neglect.

e) Request for Subsequent Background Check

The employer of a person who has been relieved of a child-related duties pursuant to this Part may request another background check if the circumstances leading to the relieving of child care duties have changed. A change of circumstances may include, but is not limited to:

- 1) pending criminal charges have been dismissed or have resulted in an acquittal or conviction for a lesser charge;
- 2) a conviction is reversed on appeal;
- 3) the indicated finding of abuse or neglect is expunged, amended to another allegation, or amended to "unfounded";
- 4) a pending child protection investigation of abuse or neglect is "unfounded"; or
- 5) the records of the circuit court, local or State Police, if relied upon to reach the decision, have been amended.

d) Delinquent Child Support

If a license applicant has been denied or the Department has refused to renew a license because he or she is more than 30 days delinquent in child support, the applicant may readily if he or she submits proof that the child support has been paid in full or that a payment schedule has been arranged with the Department of Public Aid (Title IV-D support cases) of the court of jurisdiction (all other child support cases).

(Source: Section 385.70 renumbered from Section 385.50 and amended at 21 Ill. Reg. 444.4, effective _____)

Section 385.80 Appeal of Decision to Deny License or Permit Based on Background Check Information

a) Availability of Appeal of Denial Decision

The Department shall allow appeals upon a written request of its decision to deny a license or a permit based upon the background information contained in a license or permit application of this Part. Such appeals shall be conducted in accordance with the requirements of this Part unless the licensee or permittee has the right to appeal the decision under §9 Ill. Adm. Code 318. Appeal of Foster Family Home License

Details for Relative Caregivers (for relative caregivers who applied for a foster family home license) or §9 Ill. Adm. Code 383, Licensing

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Enforcement (for revocations, refusal to renew a license, and permit holders who are denied a license).

- b) Appeal Process for Denial of License: An individual requesting an opportunity for an appeal pursuant to subsection (a) above shall submit such request, in writing, to the Administrative Hearings Unit, Department of Children and Family Services, 160 N. LaSalle Street, Chicago, Illinois 60601. All such requests must be postmarked within ten days after the date of written notice of the denial of an application for license or permit.

- c) Review of File

1) After the Administrative Hearings Unit has received the individual's request for an appeal, the Administrator of the Administrative Hearings Unit shall notify the Department that the individual has appealed and the Department shall send to the Administrator a copy of the notice of denial of the application for a license or permit. The notice of denial shall be prima facie evidence that the Department had a basis for refusing to issue the license or permit.

2) The Administrator shall ask both the Department and the individual to submit any documents, records, statements, or other materials pertinent to the Department's denial of the application for a license to create an appeal file. The Administrator shall further advise the Department and the individual of the intent to examine the appeal file, including all materials submitted for the appeal file, to determine whether a genuine issue of material fact exists. Within ten business days after the date of the Administrator's request for materials, both the Department Representative and the individual shall submit to the Administrative Hearings Unit any and all documents, records, statements, materials, or evidence to establish that the Department's decision to deny the license because of the background check was either correct or incorrect.

3) At least ten business days after the Administrator's request for materials, the Administrator shall examine the entire appeal file, including all materials submitted by both parties, and shall determine if a genuine issue of material fact exists.

4) If the Administrator determines that no genuine issue of material fact exists, the Administrator shall dismiss the appeal. The letter dismissing the appeal shall be the final administrative decision of the Department.

- d) The Appeal Process
- The individual shall be notified, in writing, of the date, time and location of the appeal hearing. The individual may be represented by counsel of his or her choice, and may present witnesses and/or witnesses on his or her own behalf. The individual shall be required to produce evidence that he or she is not the individual identified in the background report. The background check report is inaccurate or, if the issue is delinquency, in the payment of child

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support, that the child support has been paid in full or that a payment schedule has been arranged with the Department of Public Aid (Title IV-D cases) or a court of jurisdiction (all other child support cases). Evidence to be considered shall be limited to:

- 1) When the appeal involves an indicated CANTS report, written statements from the administrator of the child protection division for the Department that the individual named in the report is not the individual in question or that the record has been expunged or amended; or
- 2) When the appeal involves a criminal history record, evidence shall be limited to written statements from a law enforcement agency or clerk of the court; that the subject of the criminal history record provided to the Department is not the individual in question, was never convicted of the crimes as alleged on the criminal history record, or was granted a full pardon by the Governor indicating that the person did not commit the crime; or that the crime was amended or expunged; or that the information in the criminal history record concerning the existence of the conviction was erroneous; or
- 3) When the appeal involves delinquent child support, written statements from the Department of Public Aid or the clerk of the court, as applicable, that child support has been paid in full or a payment schedule arranged or that the payment record was incorrect.

- e) Final Administrative Decision
- The administrative law judge conducting the appeal must conclude that, when applicable, the evidence presented pursuant to this Part and the applicable licensing standards are considered, there is clear and convincing evidence that the individual(s) is not the person named in the indicated report/criminal history record or that the individual is suitable for service which allows access to children. If the appeal is addressing the issue of delinquent child support, the individual is submitting proof that the record was in error or that he or she has paid the delinquency or made arrangements for payment of delinquent child support. A decision of the Department Licensing Authority is a final administrative decision, subject to review by a court of competent jurisdiction.

- f) Record of Appeal
- A written record shall be made of any review(s) conducted pursuant to this Section, and such record shall contain copies of all documents relied upon in making the determination of fitness or unfitness for licensure.

(Source: Added at 21 Ill. Reg. 444.4, effective APR 01 1997)

Section 385.969 Records to be Maintained by the Child Care Facility

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- a) The governing body or operator of a child care facility shall maintain a copy of the authorization for background checks investigation required by Sections 385.40 and 385.50 as part of the personnel records of the facility for a period of five years from the date of the authorization of termination of the employment of the employer-whichever is later.
- b) The background check record--results of--the Department's background investigation and the record of any conclusions or recommendations resulting from the review of the findings of that check investigation by the governing body or operator of the child care facility shall be maintained for five years after termination of the employment in a file separate, confidential file apart from other personnel records. Access to such records shall be permitted for limited--to the following:
- 1) the subject of an individual record;
 - 2) the governing body or operator of the child care facility;
 - 3) Department licensing representatives;
 - 4) Department staff authorized, in writing, by the Director to conduct background checks investigations pursuant to this Part;
 - 5) persons who are authorized, in writing, by the governing body or operator of the child care facility and whose duties are related to the background checks investigation or its findings; and
 - 6) Department representatives who have the Director of the Department's written authorization which specifies the statutory authority or administrative rule(s) under which the access is granted, and
 - 7) such other persons who are lawfully entitled to the information (e.g., persons with a valid subpoena, law enforcement personnel or the attorneys of the individual in question).

(Source: Section 385.90 renubered from Section 385.60 and amended at 21 Ill. Reg. 4444, effective APR 01 1997)

Section 385.100 Confidentiality of Background Check Information

Any employee of the Department of Children and Family Services, the Illinois State Police, or a child care facility receiving confidential information under this Section who gives or causes to be given any confidential information concerning any criminal convictions or child abuse or neglect information of a child care facility applicant, or child care facility employee, shall be guilty of a Class A misdemeanor unless release of such information is authorized by Sections 4.1 and 4.3 of the Child Care Act of 1969 [225 ILCS 10/4.1 and 4.3].

(Source: Added at 21 Ill. Reg. 4444, effective APR 01 1997)

Section 385.110 Severability of This Part

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If any court of competent jurisdiction finds that any rule, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

(Source: Section 385.110 renubered from Section 385.100 at 21 Ill. Reg. 4444, effective APR 01 1997)

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Kidnapping
Aggravated kidnapping
Aggravated unlawful restraint
Forcible detention
Child abduction
Aiding and abetting child abduction
Harboring a runaway

SEX OFFENSES

Indecent solicitation of a child
Indecent solicitation of an adult
Public indecency
Sexual exploitation of a child
Sexual relations within families
Prostitution
Soliciting for a prostitute
Soliciting for a juvenile prostitute
Solicitation of a sexual act
Pandering
Keeping a place of prostitution
Keeping a place of juvenile prostitution
Patronizing a prostitute
Patronizing a juvenile prostitute
Pimping
Juvenile pimping
Exploitation of a child
Obscenity
Child pornography
Harmful material
Tie-in sales of obscene publications to distributors

BODILY HARM

Heinous battery
Aggravated battery with a firearm
Aggravated battery of a child
Harmful with food, drugs, or cosmetics
Hate crime
Stalking
Aggravated stalking
Threatening public officials
Home invasion
Vehicular invasion
Drug induced infliction of great bodily harm
Criminal sexual assault
Aggravated criminal sexual assault
Felonious criminal sexual assault of a child

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Section 385, APPENDIX A. Criminal Convictions Preventing Licensure, Employment, or Residence in a Family Home in Which a Child Care Facility Operates

If any person subject to background checks has been included in the Statewide Child Sex Offender Registry or convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ICS 5] or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified below, this conviction will serve as a bar to obtaining a license or permit to operate as a child care facility and to work in a family home in which a child care facility operates, to obtain employment or continuing employment in a licensed child care facility, which allows access to children as part of the duties; and to obtain a contract or agreement providing services on behalf of the Department that allows unsupervised access to children.

In addition to the list of crimes in this Appendix A, no applicant may receive a license from the Department to operate a foster family home, and no adult person may reside in a foster family home licensed by the Department, who has been convicted of committing or attempting to commit any of the offenses listed in Appendix A. Criminal Convictions which Prevent Licensure, of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, which is a more inclusive list of crimes.

The offenses which serve as a bar to licensure, residence in a family home in which a child care facility operates, employment which allows access to children in any child care facilities subject to licensure, or providing services that allow unsupervised access to children include:

OFFENSES DIRECTED AGAINST THE PERSON

HOMICIDE

Murder
Solicitation of murder
Solicitation of murder for hire
Intentional homicide of an unborn child
Voluntary manslaughter of an unborn child
Involuntary manslaughter
Reckless homicide
Concealment of a homicidal death
Involuntary manslaughter of an unborn child
Reckless homicide of an unborn child
Drug induced homicide

KIDNAPPING AND RELATED OFFENSES

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Section 385. APPENDIX B. Matrix of Persons Subject to Background Checks Under Part 385

Type of Individual	Criminal Check	Child Sex Offender Registry	Child abuse/neglect Check	Child Support	Explanation
Operator	Yes	Yes	Yes	Yes	Criminal check via fingerprints. Delinquent child support check applies only to for-profit entities.
Employee - Age 18 and over - Under age 18	Yes Yes	Yes Yes	Yes Yes	No No	For persons age 18 and over, the criminal check is done via fingerprints. For persons under age 18, the criminal check consists of a LEADS check.
Others in Family Home - Age 18 and over - Ages 13 through 18	Yes Yes	Yes Yes	Yes Yes	No No	For persons age 18 and over, the criminal check is done via fingerprints. For persons under age 18, the criminal check consists of a LEADS check.
Individual Used to Replace or Supplement Staff - Age 18 and over - Under age 18	Yes Yes	Yes Yes	Yes Yes	No No	For persons age 18 and over, the criminal check is done via fingerprints. For persons under age 18, the criminal check consists of a LEADS check.
Service provider for the Department who has access to children - Age 18 and over - Under age 18	Yes Yes	Yes Yes	Yes Yes	No No	For persons age 18 and over, the criminal check is done via fingerprints. For persons under age 18, the criminal check consists of a LEADS check.
Work Study Student	No	Yes	Yes	No	If counted in the staff-child ratio or left alone with children outside the visual or auditory supervision of facility staff, the individual is replacing or supplementing staff and a criminal background check is required, also.

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Criminal sexual abuse
Aggravated sexual abuse
Criminal transmission of HIV
Criminal neglect of an elderly or disabled person
Child abandonment
Endangering the life or health of a child
Ritual mutilation
Ritualized abuse of a child

(Source: Added at 21 Ill. Reg. effective
4444 APR 01 1997)

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Contractual Staff Hired by the Child Care Facility	Volunteers	Parents
No	No	No
No	No	No
No	No	No
No	No	No
It counted in the staff-child ratio or left alone with children, outside the visual or auditory supervision of facility staff. The individual is replacing or supplementing staff, and a background check is required.	It counted in the staff-child ratio or left alone with children, outside the visual or auditory supervision of facility staff. The individual is replacing or supplementing staff, and a background check is required.	It counted in the staff-child ratio or left alone with children, outside the visual or auditory supervision of facility staff. The individual is replacing or supplementing staff, and a background check is required.

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(Source: Added at 21 Ill. Reg. 644/4.04, effective APR 1 1997)

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1) Heading of the Part: Licensing Standards for Child Care Institutions2) Code Citation: 89 Ill. Adm. Code 4043) Section Numbers: Adopted Action:

404.2 Amend

404.3 Repeal

404.4 Amend

404.6 Amend

404.7 Amend

404.13 Amend

404.24 Amend

404.47 Amend

4) Statutory Authority: 225 ILCS 105) Effective Date of Amendments: April 1, 19976) Does this rulemaking contain an automatic repeal date? Yes7) Do these amendments contain incorporations by reference? No8) Date Filed in Agency's Principal Office: April 1, 19979) Notice of Proposal Published in Illinois Register: April 5, 1996; 20 Ill. Reg. 516010) Has JCAR issued a Statement of Objection to these Rules? No11) Difference between proposal and final version: The following definitions were added to make this rule consistent with 89 Ill. Adm. Code 385, Background Checks: "access to children", "employee", and "replacement or supplemental staff".

The definition of "conditional employee" was revised to remove language which referred to volunteers, work-study students, and replacement or supplemental staff. The adopted definition reads as follows:

"Conditional employee" means an individual (including any substitute or assistant) who has applied for and been conditionally selected to perform child care functions or administrative, professional, or support functions that allow access to children, as defined in this Section, and who has commenced such duties while awaiting the results of the background check required by this Part.

The definition of "initial background check" was revised to include clearance of the Child Abuse and Neglect Tracking System and the Statewide Child Sex Offender Registry. Formerly, the definition of

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initial background check required a Law Enforcement Agency Data Check and fingerprints, as verified by a receipt from the fingerprint vendor. Fingerprints, when required, are an integral part of the authorization for background check and thus, should not be included in the definition of initial background check.

The definition of "license applicant" was replaced by the definition in the Child Care Act of 1969.

The definition of "persons subject to background checks" was revised to reflect those persons who will be subject to background checks under 89 Ill. Adm. Code 385, Background Checks, and relies more heavily on the concept of "access to children", as opposed to "contact with children". The revised definition reads:

"Persons subject to background checks" means:

- the operator(s) of the child care facility; and
- all current and conditional employees of the child care facility; and
- any person who is used to replace or supplement staff; and
- any person who has access to children, as defined in section 385-26, Definitions, of 89 Ill. Adm. Code 385, Background Checks.

If the child care facility operates in a family home, the license applicant(s) and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

12) Have all the changes listed upon by the agency and JCAR been made as indicated in the statement letter issued by JCAR? Yes13) Will these amendments replace emergency amendments in effect? No14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Adopted Amendments: These adopted amendments support the requirements of 89 Ill. Adm. Code 385, Background Checks, within the licensing standards for child care institutions. In addition, these amendments define more precisely what constitutes a complete application for license, the conditions under which an applicant may reapply after a license has been revoked or the Department has refused to renew the license, and allows child care institutions to employ child care workers who are age 18 (rather than age 21) when the institution has an on-site child care supervisor.

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- 16) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 E. Monroe Street, Station #65
Springfield, Illinois 62701
Telephone: (217) 524-1983
TTY: (217) 524-3715

The full text of the adopted amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 404

LICENSING STANDARDS FOR CHILD CARE INSTITUTIONS AND MATERNITY CENTERS

Section	Purpose
404.1	Definitions
404.2	Effective Date of Standards (Repealed)
404.3	Application for License
404.4	Application for Renewal of License
404.5	Provisions Pertaining to License
404.6	Provisions Pertaining to Permits
404.7	Incorporation
404.8	Composition and Responsibilities of the Governing Body
404.9	Finances
404.10	The Administrator
404.11	Administrative Coverage
404.12	Child Care Staff
404.13	Support Personnel
404.14	Substitute Child Care Staff
404.15	Volunteers
404.16	Requirements of Professional Staff
404.17	Medical and Health Services
404.18	Social Work Staff
404.19	Teachers
404.20	Recreation Staff
404.21	Staff Training
404.22	Health Requirements for Staff and Volunteers
404.23	Background Checks Inquiry
404.24	Criteria for the Admission of Children
404.25	Admission Preparation Requirements
404.26	Agreements and Consents Between Responsible Parties
404.27	Child Care Groupings
404.28	Discipline of Children
404.29	Controls
404.30	Clothing
404.31	Personal Care and Hygiene
404.32	Allergies
404.33	Education
404.34	Work and Training
404.35	Recreation and Leisure Time
404.36	Health and Safety
404.37	Food and Nutrition
404.38	Professional Services
404.39	Visitation
404.40	

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- 404.41 Community Life
- 404.42 Religion
- 404.43 Termination of Residential Care
- 404.44 Buildings
- 404.45 Grounds
- 404.46 Equipment
- 404.47 Records and Reports
- 404.48 Records Retention
- 404.49 Severability of This Part

AUTHORITY: Implemented and authorized by the Child Care Act of 1969 [225 ILCS 101].

SOURCE: Adopted and codified at 5 Ill. Reg. 13070, effective November 30, 1981; amended at Ill. Reg. 3424, effective April 4, 1983; amended at 8 Ill. Reg. 22870, effective November 19, 1984; amended at 11 Ill. Reg. 19712, effective December 20, 1985; amended at 11 Ill. Reg. 17594, effective October 15, 1987; amended at 21 Ill. Reg. **4488**, effective _____.

Section 404.2 Definitions

"Access to children" means an employee's job duties require that the employee be present in a licensed child care facility during the hours that children are present in the facility. In addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over that are submitted to the Illinois State Police and Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate, or via a LEADS check of persons ages 13 through 17; and
- a check of the Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and
- a check of the Statewide Child Sex Offender Registry.

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10/2.01])

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"Child care institution" means child care facility where more than 7 children are received and maintained for the purpose of providing them with care or training or both. The term "child care institution" includes residential schools, primarily serving ambulatory handicapped children, and those operating a full calendar year, but does not include:

- any State-operated institution for child care established by legislative action;
- any juvenile detention or shelter care home established and operated by any county or child protection district;
- any institution, home, place or facility operating under a license pursuant to the Nursing Home Care Act (210 ILCS 451);
- any bona fide boarding school in which children are primarily taught, branches of education corresponding to those taught in public schools, grades one through 12, or kindergarten through 12th schools, and which operates on a regular academic school year basis; or
- any facility licensed as a "group home" as defined in the Child Care Act of 1969.

[Section 2.06 of the Child Care Act of 1969]

"Child" means any person under 18 years of age.

"Child-care institution" means a child-care facility in which more than seven children are provided with care or training or both--and includes residential schools for ambulatory handicapped children and other residential schools operating a full calendar year--the child-care institution is further defined in the Child Care Act of 1969--

"Conditional employee" means an individual (including any substitute or assistant) who has applied for and been conditionally selected to perform child care functions of administrative, professional, or support functions that allow access to children as defined in this Section, and who has commenced such duties while awaiting the results of the background check required by this Part.

"Department" means the Department of Children and Family Services.

"Department" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969)

"Employee" means any staff person employed by a child care facility.

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and includes any substitute or assistant. This definition includes administrative, professional and other support staff who have access to children.

"Initial background check" means the individual has cleared a check of the Child Abuse and Neglect Tracking System and the Statewide Child Sex Offender Registry.

"License" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License applicant, for purposes of background checks, means the operator or persons with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act of 1969)

"Licensee" means those individuals, agencies or organizations who hold a license or permit issued by the Department of Children and Family Services.

"Licensing--applicant" means those individuals, agencies or organizations who applied for a license from the Department of Children and Family Services.

"Licensing representative" for the purpose of this part means those Department staff persons authorized by the Department under the Child Care Act of 1969 to examine facilities for licensure.

"Maternity center" means a facility in which any person, agency or corporation, other than one licensed as a foster family home or group home under the Child Care Act of 1969, receives, treats or cares for one or more unweaned pregnant girls under 10 years of age except that the term does not include any facility licensed under the Hospital Licensing Act (1969 Rev. Stat., ch. 112, par. 142 et seq.).

"Maternity center" means a facility in which any person, agency or corporation, other than one licensed as a foster family home or group home under the Child Care Act of 1969, receives, treats or cares for one or more unweaned pregnant girls under 10 years of age, except that the term does not include any facility licensed under the Hospital Licensing Act. (Section 2.07 of the Child Care Act of 1969).

"Permit" means a one-time only document issued by the Department of Children and Family Services for a six-month period to allow the individual(s), agency or organization to become eligible for a license.

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"Persons subject to background checks" means:

- = the operator(s) of the child care facility; and
- = all current and conditional employees of the child care facility; and
- = any person who is used to replace or supplement staff; and
- = any person who has access to children, as defined in Section 385.20, Definitions, of 89 Ill. Adm. Code 385, Background Checks.

If the child care facility operates in a family home, the license applicant(s) and all members of the household are 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

"Replacement or supplemental staff" means any paid or unpaid individual who is used to perform essential staff duties as evidenced by being counted in the staff-child ratio or being permitted to be alone with children in a licensed child care facility outside the visual or auditory supervision of facility staff.

"Supervising agency" for the purpose of this part means a licensed child-welfare agency or the Department.

(Source: Amended at 21 Ill. Reg. 4488, effective APR 01 1991.)

Section 404.3 Effective Date of Standards (Repealed)

The standards prescribed in this part shall become effective upon the date they are officially adopted and published and shall apply immediately to all facilities which have never been licensed. Institutions licensed at the time this part is officially adopted and published shall have one calendar year from that date to comply with the new or revised standard except as specified in Section 404.2B.

(Source: Repealed at 21 Ill. Reg. 4488, effective APR 01 1991.)

Section 404.4 Application for License

- a) Application for license shall be completed by the officers of the governing body of the institution, or its authorized representative on forms prescribed and furnished by the Department.
- b) For the application to be considered complete, the following shall be

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attached to the application. Attached to the application shall be:

- 1) articles of incorporation and bylaws, indicating that the institution's corporate status is in good standing with the Illinois Secretary of State and specifying whether the institution is for profit or not-for-profit;
- 2) a statement of purpose, including the types of child care provided;
- 3) list of officers, board members and committees of the governing body;
- 4) operating budget;
- 5) range of services; and
- 6) staffing plan which includes job descriptions and the qualifications of staff; and

7) a list of persons subject to the background check requirements of 89 Ill. Adm. Code 385. Background Checks, and each person's complete, signed authorization to conduct the background check.

c) A new application shall be filed:

- 1) when an application for license has been withdrawn, and the institution seeks to reapply;
- 2) there is a change of address of a facility;
- 3) there is a change of ownership, name or corporate status; or
- 4) not sooner than 12 months after when the Department has revoked a license, and a new license is sought.

d) A new application may be submitted at any time a license, permit or application has been voluntarily surrendered or withdrawn by the applicant.

(Source: Amended at 21 Ill. Reg. 4488, effective APR 11 1957)

Section 404.6 Provisions Pertaining to License

a) A child care institution license is valid for four years unless revoked by the Department or voluntarily surrendered by the licensee.

b) The child care institution shall adhere to the provisions specified on the license.

c) The following changes in licensing status shall occur only upon prior approval of the Department:

- 1) the age or characteristics type of children served;
- 2) the licensed capacity; or
- 3) the area within the institution used for children.

d) The license shall not be transferred to another person, or other legal entity organization--or-sponsor, nor shall it be valid for a name or address other than that shown on the license.

e) The license capacity of the institution shall not be increased unless the facility is in compliance with licensing standards.

f) A current license shall be displayed at the institution at all times.

g) There shall be no fee or charge for the license.

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(Source: Amended at 21 Ill. Reg. 4488, effective APR 11 1957)

Section 404.7 Provisions Pertaining to Permits

a) A permit shall not be issued until:

1) the application for license has been completed and signed by the responsible child care institution and submitted to the Department;

2) written clearances concerning compliance with the fire, health, sanitation, and safety requirements as specified in state laws and municipal codes are received. If well water is used, a copy of the inspection report and certification of compliance with local or state health department regulations is on file;

3) a person in charge of the administration and operation of the child care institution who has passed the background check requirements of 89 Ill. Adm. Code 385. Background Checks has been employed;

4) furnishings, equipment and space sufficient for the number of children to be served have been acquired;

5) child care staff sufficient for the number of children to be served have been hired, filed which requires provision of food, clothing, educational and religious opportunities and health care of children to meet the physical, spiritual, mental and health needs of the children;

6) the facility has established procedures and forms to maintain required and necessary records including records on the children served;

7) a written plan on how the requirements for licensure will be met has been developed within the permit period;

8) references and medical reports on all staff, including the administrator, are on file at the institution; and

9) demonstration of financial capability through a projected budget.

b) The permit shall not be issued retroactively.

c) The permit shall not be transferred or transmitted to another person or other legal entity, re-organization--or-sponsor of the permit shall not be valid for a name or an address different than the name and address shown on the issued permit.

d) The permit shall not be renewable.

e) The permit shall be displayed on the premises at all times.

f) A license shall be issued any time within the six month period covered by the permit provided the facility achieves and maintains compliance with the Department's licensing standards.

g) There will be no fee or charge for issuing the permit.

(Source: Amended at 21 Ill. Reg. 4488, effective APR 11 1957)

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Section 404.13 Child Care Staff

- a) There shall be at least one child care supervisor who shall be a full-time employee. The administrator or another person qualified as a child care supervisor may fill the position. The child care supervisor supervises those persons whose primary responsibility is daily care of children, known as child care staff.
- b) Child care supervisors shall have the following qualifications:
 - 1) be at least 25 years of age;
 - 2) have two years of college credits;
 - 3) have two years of full-time experience in a residential child care program;
 - 4) demonstrate skill in working with and managing children of the type served in the program; and
 - 5) demonstrate ability to work cooperatively with administration, staff, and persons external to the program.
- c) Child care workers shall work under the supervision of a child care supervisor and shall have the following qualifications:
 - 1) be at least 18 21 years of age, if there is an on-site supervisor. If there is no on-site supervisor, child care staff must be at least 21 years of age;
 - 2) hold a high school diploma or GED certificate;
 - 3) be in good physical and mental health;
 - 4) have the capacity to accept the supervision within the child care program and to relate constructively to authority; and
 - 5) demonstrate the ability to work cooperatively with other staff and a variety of persons external to the program, including representatives of other institutions and agencies and parents of the children.
- d) Child care workers and supervisors employed as of November 30, 1981, by facilities which are licensed when this part is adopted shall be deemed qualified.
- e) At least one-half of the child care workers shall be full-time employees.

(Source: Amended at 21 Ill. Reg. 4488, effective 1/1/84.)

Section 404.24 Background Checks Inquiry

- a) The governing body shall ensure that all prospective and current employees submit to fingerprinting (when required), authorize a background check and otherwise meet the requirements of 89 Ill. Adm. Code 385 (Background Checks).
- b) As a condition of issuance or renewal of a license by the Department, the institution shall require persons subject to background checks at the prospective-and-current-employees-and-at-the-discretion-of-the-governing-body-volunteers-and-subcontractor-employees-who-have-direct

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contact-with-children; to furnish information on any offenses (other than a minor traffic violation) for which they have been convicted in accordance with the standards set forth in the Department's rule establishing 89 Ill. Adm. Code 385, 89-111-Adm-Code-358-(background-inquiry-for-purchase-of-service-providers);

- c) An employee may begin work while awaiting the results of the background check. Such employees shall not be left alone with children until the results of the initial background check have been received.

(Source: Amended at 21 Ill. Reg. 4488, effective 1/1/84.)

Section 404.47 Records and Reports

- a) The institution shall maintain records on each child receiving services and all agency personnel, and in addition, shall submit certain reports as prescribed by the Department. These records and reports shall be confidential. Authorized representatives of the Department shall have access to the records and reports. All persons with access to the records and reports shall respect their confidential nature.
- b) The institution shall submit to the Department of Children and Family Services such periodic and special reports as may be required.
- c) The institution shall state in the child's record and shall report to the child's parent, guardian and the Department any unusual incidents or serious occurrences involving children. These incidents and occurrences shall be reported in writing, or if made verbally, confirmed in writing within 48 hours of the occurrence. These incidents and occurrences include serious accident or injury requiring extensive medical care or hospitalization; death; arrest; alleged abuse or neglect; major fire or other emergency situations; or any serious incident which results in legal action by or against the institution, which affects any child or children, personnel, or conduct of the institution.
- d) A permanent record and master file card shall be maintained for every child under care which shall include:
 - 1) name, birthdate, sex, race, religion and legal status of the child;
 - 2) names, addresses and telephone numbers of parents, significant relatives, guardian, referring agency and social worker;
 - 3) dates of admission and termination of care;
 - 4) information pertaining to the circumstances and reasons for termination of care;
 - 5) name, address and telephone number of the person(s) with whom the child resides following termination of care;
 - 6) summaries of evaluation conferences; and

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- 7) the child's health, including current health evaluations, medical and dental reports, psychological and psychiatric examination reports, illnesses, treatment and persons providing treatment, charting of medication including type, dosage, time and signature of persons dispensing the medication, any history of alcoholism or drug addiction.
- e) In addition to the permanent record, the institution shall maintain active records containing the admission study and ongoing data including important documents pertaining to birth, family, legal status, school, religious affiliation, health findings and treatment and consents and other documents as appropriate.
- f) Children's records shall also include the child's adjustment, functioning and progress in:
- 1) group interaction; staff and peer relationships;
 - 2) school or work;
 - 3) his special skills, interests and activities;
 - 4) the community;
 - 5) relationship with his family and significant changes in the family;
 - 6) relationship and contacts with guardian, and other agencies;
 - 7) treatment services provided the child;
 - 8) reducing behavioral problems to enable him to live in a less restrictive setting; and
 - 9) interaction with his family during visitation.
- g) Records shall be maintained for all employees and, in addition, for each volunteer who has responsibility for the direct care or supervision of children. These records shall contain all pertinent information relative to character, suitability, qualifications for the position, health, three pre-employment references, history of employment for the last five years, and at a minimum, annual evaluations of performance. Personnel records shall include the date of employment and the date and reason(s) for separation. These records shall be available for Department review.
- h) The institution shall maintain and submit reports on staff and volunteers to the Department on forms prescribed by the Department.
- 1) An individual report on each new employee (including owner, operator, or director) shall be filed with the Department; a copy of this report shall be kept at the facility.
 - 2) All staff changes shall be reported to the Department within two business days after beginning employment. Such reports shall be accompanied by complete, signed authorizations for background checks, as required by 89 Ill. Adm. Code 395. Background Checks immediately.
 - 3) Copies of documentation of medical information, verification of educational achievement, and character.

- i) The institution shall maintain a separate file of responses to the background inquiry required by Section 494-24 and 89-1331-Adm--Code 358--(Background-Inquiry--For--Purchase-of-Service-Providers) and the

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results of the background check required by Section 404.24 and 89 Ill. Adm. Code 395. Background Checks.

- j) The institution shall maintain in its official records the major decisions and policies of the governing body or board.

- k) Financial records of operations including a copy of the annual independent certified audit shall be maintained as part of the permanent records of the institution.

- l) The institution shall provide safe, locked places for maintenance, safe storage and preservation of confidential and business records.

(Source: Amended at 21 Ill. Reg. 4488, effective APR 11 1988)

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1) Heading of the Part: Licensing Standards for Child Welfare Agencies

2) Code Citation: 89 Ill. Adm. Code 401

3) Section Numbers: Adopted Action:
401.2 Amend
401.3 Repeal
401.4 Amend
401.6 Amend
401.7 Amend
401.17 Amend
401.23 Amend

4) Statutory Authority: 225 ILCS 10

5) Effective Date of Amendments: April 1, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: April 1, 1997

9) Notice of Proposal Published in Illinois Register: April 5, 1996
20 Ill. Reg. 5173

10) Has JCPR issued a Statement of Objection to these Rules? No

11) Difference between proposal and final version: The definition of "Access to Children" was added to make this rule consistent with 89 Ill. Adm. Code 385, Background Checks.

The definition of "conditional employee" was revised to remove language which referred to volunteers, work-study students, and replacement or supplemental staff. The adopted definition reads as follows:

"Conditional employee" means an individual (including any substitute or assistant) who has applied for and been conditionally selected to perform child care functions or administrative, professional, or support functions that allow access to children, as defined in this Section, and who has commenced such duties while awaiting the results of the background check required by this Part.

The definition of "initial background check" was revised to include clearance of the Child Abuse and Neglect Tracking System and the Statewide Child Sex Offender Registry. Formerly, the definition of initial background check required a Law Enforcement Agency Data Check and fingerprints, as verified by a receipt from the fingerprint vendor.

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Fingerprints, when required, are an integral part of the authorization for background check and thus, should not be included in the definition of initial background check.

The definition of "license applicant" was replaced by the definition in the Child Care Act of 1969.

The definition of "persons subject to background checks" was revised to reflect those persons who will be subject to background checks under 89 Ill. Adm. Code 385, Background Checks, and relies more heavily on the concept of "access to children", as opposed to "contact with children". The revised definition reads:

"Persons subject to background checks" means:

- the operator(s) of the child care facility; and
- all current and conditional employees of the child care facility; and
- any person who is used to replace or supplement staff; and
- any person who has access to children, as defined in Section 385.20, Definitions, of 89 Ill. Adm. Code 385, Background Checks.

If the child care facility operates in a family home, the license applicant(s) and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

The rules have been changed to require that staff changes must be reported within two business days, rather than ten calendar days.

12) Have all the changes agreed upon by the agency and JCPR been made as indicated in the agreement letter issued by JCPR? Yes

13) Will these amendments replace emergency amendments in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Adopted Amendments: These adopted amendments support the requirements of 89 Ill. Adm. Code 385, Background Checks, within the licensing standards for child welfare agencies. In addition, these amendments define more precisely what constitutes a complete application for license and specifies the conditions under which an applicant may reapply after a license has been revoked or the Department has refused to renew the license.

16) Information and questions regarding these adopted amendments shall be

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directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 E. Monroe Street, Station #65
Springfield, Illinois 62701

Telephone: 217/524-1983

TTY: 217/524-3715

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 401

LICENSING STANDARDS FOR CHILD WELFARE AGENCIES

Section	Purpose
401.1	Definitions
401.2	Effective Date of Standards (Repealed)
401.3	Application for License
401.4	Application for Renewal of License
401.5	Provisions Pertaining to License
401.6	Provisions Pertaining to Permit
401.7	Incorporation
401.8	Composition and Responsibilities of the Governing Body
401.9	Finances
401.10	The Administrator
401.11	Social Work Supervisors
401.12	Child Welfare Workers
401.13	Professional Staff
401.14	Support Personnel
401.15	Volunteers
401.16	Background Checks Inquiry
401.17	Legal Safeguards of Children Served
401.18	Required Written Consents
401.19	Agency Responsibility
401.20	Interstate Placement of Children
401.21	Health and Medical Services for Children
401.22	Records and Reports
401.23	Records Retention
401.24	Agency Supervised Foster Family Homes, Group Homes and Day Care and Night Care Homes
401.25	Severability of This Part
401.26	

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 11351, effective November 12, 1981; amended at 7 Ill. Reg. 3428, effective April 4, 1983; amended at 11 Ill. Reg. 17511, effective October 15, 1987; amended at 21 Ill. Reg. 4502, effective 4/1/90.

Section 401.2 Definitions

"Access to children" means an employee's job duties require that the employee be present in a licensed child care facility during the hours

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that children are present in the facility. In addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Background check" means:

- a criminal history via fingerprints of persons age 18 and over which are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate, or via a LEADS check of persons ages 13 through 17; and
- a check of the Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and
- a check of the Statewide Child Sex Offender Registry.

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 (225 ILCS 10/2-0.1))

"Child" means any person under 18 years of age.

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. (Section 2.05 of the Child Care Act of 1969)

"Child care facility" means any person, group of persons, agency, association or organization which arranges for or cares for children unrelated to the operator of the facility, apart from the parents. Child care facilities may be established for profit or not-for-profit. Child care facility is further defined in the Child Care Act.

"Child welfare agency" means a public or private child care facility, receiving any child or children for the purpose of placing or retaining for placement of the child or children in foster family or other facilities for child care, separate from the custody of the child's or children's parents. (Section 2.08 of the Child Care Act of 1969)

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"Child welfare agency" means a public or private child care facility which receives children for the purpose of placing or retaining for placement of such children in foster family homes or other child care facilities away from the custody of the child's parents. "Child welfare agency" is further defined in the Child Care Act.

"Conditional employee" means an individual (including any substitute or assistant) who has applied for and been conditionally selected to perform child care functions or administrative, professional, or support functions that allow access to children, as defined in this Section, and who has commenced such duties while awaiting the results of the background check required by this Part.

"Department" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969)

"Department" means the Department of Children and Family Services.

"Initial background check" means the individual has cleared a check of the Child Abuse and Neglect Tracking System and the Statewide Child Sex Offender Registry.

"License" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License applicant", for purposes of background checks, means the operator or persons with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act of 1969)

"Licensee" means those individuals, agencies, or organizations who hold a license or permit issued by the Department of Children and Family Services.

"Licensing applicant" means those individuals, agencies, or organizations who applied for a license from the Department of Children and Family Services.

"Licensing representative" for the purpose of this part means persons those Department staff authorized by the Department under the Child Care Act of 1969 to examine facilities for licensure.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a six-month period to allow the individual(s), agency, or organization to become eligible for a license.

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"Persons subject to background checks" means:

- = the operator(s) of the child care facility; and
- = all current and conditional employees of the child care facility; and
- = any person who is used to replace or supplement staff; and
- = any person who has access to children, as defined in Section 385.20, Definitions, of 89 Ill. Adm. Code 385, Background Checks.

If the child care facility operates in a family home, the license applicant(s) and all members of the household are subject to background checks. As appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

(Source: Amended at 21 Ill. Reg. 4502, effective 4/1/01)

Section 401.3 Effective Date of Standards (Repealed)

The standards prescribed in this part shall become effective upon the date they are officially adopted and published and shall apply immediately to all facilities which have never been licensed. Child welfare agencies licensed at the time this part is officially adopted and published shall have one calendar year from that date to comply with the new or revised standards.

(Source: Repealed at 21 Ill. Reg. 4502, effective 4/1/01)

Section 401.4 Application for license

- a) The application for license shall be completed by the officers of the governing body of the child welfare agency, or its authorized representative, on forms prescribed and furnished by the Department.
- b) For the application to be considered complete, the following shall be attached to the application attached to the application:
 - 1) articles of incorporation and by-laws, indicating that agency's corporate status is in good standing with the Illinois Secretary of State;
 - 2) statement of purpose including child care services and the types of child care facilities to be operated and supervised by the agency;
 - 3) list of officers, board members and committees of the governing body;
 - 4) operating budget;

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- 5) range of services; and
- 6) staffing plan which includes job descriptions and the qualifications of the staff; and
- 7) child care facility shall submit the background check requirements of 89 Ill. Adm. Code 385, Background Checks, and each person's completed signed authorization to conduct the background check.
- c) A new application shall be filed:

 - 1) when an application for license has been withdrawn, and the agency seeks to reapply;
 - 2) when there is a change of address of the child welfare agency;
 - 3) when there is a change of name, ownership, or corporate status of the agency; or
 - 4) not sooner than 12 months after when the Department has revoked or refused to renew a license, and a new license is sought.

- d) A new application may be submitted at any time when a license, permit or application has been voluntarily surrendered or withdrawn by the applicant.

(Source: Amended at 21 Ill. Reg. 4502, effective 4/1/01)

Section 401.6 Provisions Pertaining to License

- a) A child welfare agency license is valid for four 2 years unless revoked by the Department or voluntarily surrendered given-up by the licensee.
- b) The child welfare agency shall adhere to the provisions specified on the license.
- c) The license shall not be transferred or transmitted to another person or other legal entity or organization or sponsor.
- d) The license shall not be valid for an address other than the address shown on the license.
- e) The current license shall be displayed at the agency headquarters at all times.
- f) There shall be no fee or charge for the license.

(Source: Amended at 21 Ill. Reg. 4502, effective 4/1/01)

Section 401.7 Provisions Pertaining to Permit

- a) A permit shall not be issued prior to the following:
 - 1) completion of the application for license and submission to the Department;
 - 2) employment of a qualified administrator who has passed the background check requirements of 89 Ill. Adm. Code 385, Background Checks and development of a projected staffing plan indicating the time table by which qualified staff shall be

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- hired;
- 3) established procedures and forms for required records and reports;
 - 4) a written plan which indicates that requirements for a license shall be met within the permit period; and
 - 5) demonstration of financial capability through a projected budget.
- a) A permit shall not be issued retroactively.
 - b) The permit shall not be renewable.
 - c) The permit shall not be transferred or transmitted to another person or other legal entity or organization or sponsor.
 - d) The permit shall not be valid for an address different from the address shown on the issued permit.
 - e) The child welfare agency shall adhere to the provisions specified on the permit.
 - f) A current permit shall be on display at the agency headquarters at all times.
 - g) A license shall be issued any time within the six months period covered by the permit provided the facility achieves and maintains compliance with the Department's licensing standards.
 - h) There shall be no fee or charge for the permit.

(Source: Amended at 21 Ill. Reg. 4502, effective 4/1/84.)

Section 401.17 Background Checks Inquiry

- a) The governing body shall ensure that all prospective and current employees submit to fingerprinting (when required) authorize a background check and otherwise meet the requirements of 89 Ill. Adm. Code 385, Background Checks.
- b) As a condition of issuance or renewal of a license by the Department, the child welfare agency shall require all persons subject to background checks prospective and current employees and at the discretion of the governing body, subcontractors, employees, and volunteers who have direct contact with children to furnish information on any offenses (other than a minor traffic violation) for which they have been convicted in accordance with 89 Ill. Adm. Code 385.89-III-Adm-Code-350-(background-inquiry-for-purchase-of-service-providers)
- c) An employee may begin work while awaiting the results of the background check. Such employees shall not be left alone with children until the results of the initial background check have been received.

(Source: Amended at 21 Ill. Reg. 4502, effective 4/1/84.)

Section 401.23 Records and Reports

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- a) The agency shall maintain current records on each child receiving care or services, on agency personnel (including volunteers), and on each facility operating under its supervision.
 - b) Records for each child shall include an admission study, legal documents and agreements for care, as required, and case recording reflective of the on-going care and treatment of the child.
 - c) At the time a child is discharged from care, records shall include the reason for discharge, the legal status of the child, to whom the child is released or discharged, and any recommendation for the child's future care.
 - d) Records shall be maintained on all employees and, in addition, for each volunteer who has responsibility for the care and supervision of children and shall document compliance with Section 401.17, Background Check Inquiry. The records shall contain all pertinent information relative to character, suitability, qualifications for the position, health, three references, and history of employment for the last five years. Personnel records shall include the date of employment and the date and reason(s) for separation. These records shall be available for licensing review.
 - e) The child welfare agency shall maintain a separate file of responses to the background inquiry required by Section 401.17 and 89-III-Adm-Code-350-(background-inquiry-for-purchase-of-service-providers)-and the results of the background check required by Section 401.17 and 89 Ill. Adm. Code 385.2-(background checks).
 - f) The child welfare agency shall maintain and submit reports on staff and volunteers to the Department on forms prescribed by the Department:
- 1) An individual report on each new employee (including owner, operator, or director) shall be filed with the Department; a copy of the report shall be maintained at the agency.
 - 2) All staff personnel shall be reported to the Department within two business days after beginning employment. Such reports shall be accompanied by complete signed authorizations for background checks as required by 89 Ill. Adm. Code 385.2-(background checks), immediately.
 - 3) Copies of documentation of medical information, verification of educational achievement, and character references of employees shall be provided upon request by the Department.
 - g) The child welfare agency shall maintain in its official records the major decisions and policies of the governing body or board.
 - h) Financial records of operations shall be maintained as part of the permanent records of the agency and shall include, a copy of the annual audit.
 - i) The child welfare agency shall enter in the child's record and orally report immediately to the child's parent, guardian, and the Department any serious occurrences involving children. If the agency is unable to contact the parent, guardian or Department immediately, it shall document this fact in the child's record. These occurrences include

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serious accident or injury requiring extensive medical care or hospitalization; death; arrest; alleged abuse or neglect; major fire or other emergency situations; movement of the child welfare agency which affects any child or children, personnel, or the conduct of the agency. Oral reports shall be confirmed in writing within two working days of their occurrence.

j) Reports shall be kept in safe, locked places.

k) Departmental Licensing representatives or other Department representatives who have the Director's written authorization shall have access to the records and reports. All persons who have access to the records and reports shall respect their confidential nature.

(Source: Amended at 21 Ill. Reg. _____ effective _____)

4502

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Licensing Standards for Day Care Agencies

2) Code Citation: 89 Ill. Adm. Code 405

3) Section Numbers: Adopted Action:

405.2 Amend

405.3 Repeal

405.4 Amend

405.5 Amend

405.6 Amend

405.7 Amend

405.12 Amend

405.19 Amend

4) Statutory Authority: 225 ILCS 10

5) Effective Date of Amendments: April 1, 1997

6) Does this rulemaking contain an automatic re-eval date? No

7) Do these amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: April 1, 1997

9) Notice of Proposal Published in Illinois Register: April 5, 1996; 20 Ill. Reg. 5184

10) Has JCAR issued a Statement of Objection to these Rules? No

11) Difference between proposal and final version: The definition of "Access to Children" was added to make this rule consistent with 89 Ill. Adm. Code 385, Background Checks.

The definition of "initial background check" was revised to include clearance of the Child Abuse and Neglect Tracking System and the Statewide Child Sex Offender Registry. Formerly, the definition of initial background check required a Law Enforcement Agency Data Check and fingerprints, as verified by a receipt from the fingerprint vendor. Fingerprints, when required, are an integral part of the authorization for background check, and thus should not be included in the definition of initial background check.

The definition of "license applicant" was replaced by the definition in the Child Care Act of 1969.

The definition of "persons subject to background checks" was revised to reflect those persons who will be subject to background checks under 89 Ill. Adm. Code 385, Background Checks, and relies more heavily on the concept of "access to children", as opposed to "contact with children".

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The revised definition reads:

"Persons subject to background checks" means:

- the operator(s) of the child care facility; and
- all current and conditional employees of the child care facility; and
- any person who is used to replace staff; and
- any person who has access to children as defined in Section 384.20, Definitions, of 89 Ill. Adm. Code 385, Background Checks.

If the child care facility operates in a family home, the license applicant(s) and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

12) Have all the changes aired upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? Yes

13) Will these amendments replace emergency amendments in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Adopted Amendments: These adopted amendments support the requirements of 89 Ill. Adm. Code 385, Background Checks, within the licensing standards for child welfare agencies. In addition, these amendments define more precisely what constitutes a complete application for license and specifies the conditions under which an applicant may reapply after a license has been revoked or the Department has refused to renew the license.

16) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 E. Monroe Street, Station #65
Springfield, IL 62701
(217) 524-1983
TTY: (217) 524-3715

The full text of the adopted amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 405

LICENSING STANDARDS FOR DAY CARE AGENCIES

Section	Purpose
405.1	Definitions
405.2	Effective Date (Repealed)
405.3	Application for License
405.4	Application for Renewal of License
405.5	Provisions Pertaining to License
405.6	Provisions Pertaining to Permits
405.7	Responsibilities of the Governing Body
405.8	Provisions Pertaining to Records
405.9	Provisions Pertaining to Cooperation with the Department
405.10	Day Care Agency Administrator
405.11	Staff Examining Day Care Homes
405.12	Background Checks Inquiry
405.13	Recommendation for Licensure of Day Care Homes
405.14	License-exempt Day Care Homes
405.15	Supervision of Homes
405.16	Administrative Services
405.17	Referral of Children
405.18	Agreements with Day Care Homes
405.19	Records and Reports
405.20	Confidentiality of Records
405.21	Records Retention
405.22	Cooperation with the Department
405.23	Severability of This Part

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10]

SOURCE: Adopted and codified at 7 Ill. Reg. 7827, effective July 1, 1983; amended at 8 Ill. Reg. 8707, effective June 15, 1984; amended at 11 Ill. Reg. 17516, effective October 15, 1987; amended at 21 Ill. Reg. 4513, effective APR 11 1997.

Section 405.2 Definitions

"Access to children" means an employee's job duties require that the employee be present in a licensed child care facility during the hours that children are present in the facility. In addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check

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Requirements of this Part.

"Accredited" means accredited by the North Central Association of Schools and Colleges, its regional counterparts, or the National Accreditation Council.

"Background check" means:

- = a criminal history check via fingerprints of persons age 18 and over which are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate, or via a LEADS check of persons ages 13 through 17; and
- = a check of the Child Abuse and Neglect Tracking System (CANNS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and
- = a check of the Statewide Child Sex Offender Registry.

"CANNS" means the Child Abuse and Neglect Tracking System operated and maintained by the Illinois Department of Children and Family Services.

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10/2.01])

"Child-care-facility" means any person, group of persons, agency, association, or organization which arranges for or cares for children unrelated to the operator of the facility, apart from the parents in any facility as defined in the Act. Child-care facilities may be established for profit or not-for-profit.

"Child-care-facility" is further defined in the Child Care Act of 1969. "Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. (Section 2.05 of the Child Care Act of 1969 [225 ILCS 10/2.05])

"Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury. (Section 2-5 of the Criminal Code of 1961)

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"Day care agency" means any person, group of persons, public or private agency, association or organization which undertakes to provide one or more day care homes with administrative services including, but not limited to consultation, technical assistance, training, supervision, evaluation, and provision of or referral to health and social services under contractual arrangement. (Section 2.11 of the Child Care Act of 1969)

"Day care center" means any child care facility which regularly provides day care for less than 24 hours per day for more than 8 children in a family home and that are not licensed as a day care home or group day care home, or more than 3 children in a facility other than a family home. Exclusions from this definition are listed in Section 2.09 of the Child Care Act of 1969.

"Day care homes" means family homes which receive more than 3 up to a maximum of 12 children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12. The term does not include facilities which receive only children from a single household. (Section 2.18 of the Child Care Act of 1969)

"Department" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969 [225 ILCS 2.02])

"Employee" means any staff person employed by a child care facility, and includes any substitute or assistant. This definition includes administrative, professional and other support staff who have access to children. "Employee" means a paid member of the staff of the day care agency.

"Governing body," as used in this Part, means the board of directors of a corporation; otherwise, the term means the owner(s) or other person(s) agency, association or organization legally responsible for the operation of the day care agency.

"Initial background check" means the individual has cleared a check of the Child Abuse and Neglect Tracking System and the Statewide Child Sex Offender Registry.

"License" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License applicant," for purposes of background checks, means the operator or persons with direct responsibility for daily operation of

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the facility to be licensed. (Section 4.4 of the Child Care Act of 1969 [225 ILCS 10/4.4])

"Licensee" means those individuals, agencies, or organizations who hold a license or permit issued by the Department of Children and Family Services.

"License study"--as used in this Part means the review of an application for license, on-site visit(s), interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Licensing applicant" means those individuals, agencies, or organizations who applied for a license from the Department of Children and Family Services.

"Licensing representative"--for the purpose of this Part means persons whose department staff authorized by the Department under the Child Care Act of 1969 to examine facilities for licensure.

"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority which is punishable solely as a petty offense. (Section 6-601 of the Illinois Driver Licensing Law [625 ILCS 5/6-601])

"Parents", as used in this Part, means the person(s) assuming legal responsibility for the care and protection of the child on a 24-hour basis; includes guardian or legal custodian.

"Permit"--as used in this Part means a one-time only document issued by the Department of Children and Family Services for a six-month period to allow the individual(s), agency, or organization to become eligible for a license.

"Person"--means any individual, group, or organization, agency, association, or organization legally responsible for the operation of the facility

"Persons subject to background checks" means:

- = the operator(s) of the child care facility; and
- = all current and conditional employees of the child care facility; and
- = any person who is used to replace or supplement staff, and

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= any person who has access to children, as defined in Section 385.20, Definitions, of 89 Ill. Adm. Code 385, Background Checks.

If the child care facility operates in a family home, the licensee applicant(s) and all members of the household are 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

(Source: Amended at 21 Ill. Reg. 4513, effective APR 01 2004)

Section 405.3 Effective Date (Repealed)

The standards prescribed in this Part shall become effective upon the date they are officially adopted and published and shall apply immediately to all facilities.

(Source: Repealed at 21 Ill. Reg. 4513, effective APR 01 2004)

Section 405.4 Application for License

a) The application for license shall be completed by the officers of the governing body of the day care agency, or its authorized representative, on forms prescribed and furnished by the Department.

b) For the application to be considered complete, the following shall be attached Attached to the application shall be:

- 1) Articles of incorporation and by-laws, indicating that the agency's corporate status is in good standing with the Illinois Secretary of State;
 - 2) Statement of purpose(s) and policies as required by Section 405.8(c)(6);
 - 3) List of officers, board members and committees of the governing body;
 - 4) Three personal references for each member of the governing body attesting to their character, reputation, and ability to assume responsibility for the administrative services to be offered by the day care agency;
 - 5) Annual operating budget showing anticipated expenses and income;
 - 6) Staffing plan which includes job descriptions and the qualifications of the staff; and
 - 7) A list of persons subject to the background check requirements of 89 Ill. Adm. Code 385, Background Checks, and each person's complete, signed authorization to conduct the background check.
- c) The license shall be issued when the standards prescribed by this Part have been met. Upon receipt of an application for a license, the Department shall conduct a license study in order to determine that

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the day care agency meets licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The applicant shall receive a copy of the license study upon written request and payment of copying costs.

- d) A new application shall be filed:

 - 1) When an application for license has been withdrawn, and the agency seeks to reapply;
 - 2) When there is a change of address of the day care agency;
 - 3) When there is a change of name, ownership or corporate status of the agency; or
 - 4) Not sooner than 12 months after when the Department has revoked or refused to renew a license, and a new license is sought.

(Source: Amended at 21 Ill. Reg. 4513, effective 4/1/11)

Section 405.6 Provisions Pertaining to License

- a) A day care agency license is valid for 2 years unless revoked by the Department or voluntarily surrendered by the licensee.
- b) The license shall not be transferred or transmitted to another person or other legal entity or organization or sponsor.
- c) The license shall not be valid for a name of an address other than the name of address shown on the license.
- d) The current license shall be displayed at the agency headquarters at all times.
- e) There shall be no fee or charge for the license.
- f) Unless a day care agency is in compliance with the standards prescribed by this Part, it shall not expand its services or increase the number of homes under its supervision.

(Source: Amended at 21 Ill. Reg. 4513, effective 4/1/11)

Section 405.7 Provisions Pertaining to Permits

- a) A permit shall not be issued prior to the the following:

 - 1) Completion of the application for license and submission to the Department;
 - 2) Employment of an administrator who meets the standards set forth in Section 405.10 and who has passed the background checks and requirements of 89 Ill. Adm. Code 385. Background Checks and requirements of a projected staffing plan indicating the timetable by which qualified staff shall be hired;
 - 3) Established procedures and forms for records and reports required by Sections 405.18, 405.19.7 and 405.20.7;
 - 4) A written plan which indicates that requirements for a license

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- 5) Demonstration of financial capability through an annual projected budget showing anticipated operating expenses and income.
- b) A permit shall not be issued retroactively.
- c) The permit shall not be renewable.
- d) The permit shall not be transferred or transmitted to another person or other legal entity or organization or sponsor.
- e) The permit shall not be valid for a name of an address different from the name of address shown on the issued permit.
- f) A current permit shall be on display at the agency headquarters at all times while the agency is operating under a permit.
- g) A license shall be issued anytime within the six months period covered by the permit provided the facility achieves and maintains compliance with the standards prescribed by this Part.
- h) There shall be no fee or charge for the permit.

(Source: Amended at 21 Ill. Reg. 4513, effective 4/1/11)

Section 405.12 Background Checks Inquiry

- a) The governing body shall ensure that all prospective and current employees submit to fingerprinting when required, authorize a background check and otherwise meet the requirements of 89 Ill. Adm. Code 385. Background Checks.
- b) As a condition of issuance or renewal of a license by the Department, the day care agency shall require persons subject to background checks with respect to current employees who have direct contact with children to furnish written information on any offenses (other than a minor traffic violation) for which they have been convicted in accordance with 89 Ill. Adm. Code 385.358 (Background Inquiry for Purchase of Service Providers). The governing body, at its discretion, may require volunteers and subcontractor employees who have direct contact with children to respond to written questions about their background.
- c) An employee may begin work while awaiting the results of the background check. Such employees shall not be left alone with children until the results of the initial background check have been received.

(Source: Amended at 21 Ill. Reg. 4513, effective 4/1/11)

Section 405.19 Records and Reports

- a) The agency shall maintain current records, as delineated in this Section, on each child receiving care or services, on agency personnel (including volunteers), and on each facility operating under its

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- 1) Heading of the Part: Licensing Standards for Day Care Homes
- 2) Code Citation: 89 Ill. Adm. Code 406
- 3) Section Numbers: Adopted Action:
 406-2 Amend
 406-3 Repeal
 406-4 Amend
 406-6 Amend
 406-7 Amend
 406-9 Amend
 406-12 Amend
 406-14 Amend
 406-Appendix C New
- 4) Statutory Authority: 225 ILCS 10
- 5) Effective Date of Amendments: April 1, 1997
- 6) Does this rulemaking contain an automatic renewal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 1, 1997
- 9) Notice of Proposal Published in Illinois Register: April 5, 1996; 20 Ill. Reg. 5197
- 10) Has JCRC issued a Statement of Objection to these Rules? No
- 11) Difference between proposal and final version: The following definitions were added to make this rule consistent with 89 Ill. Adm. Code 385, Background Checks and to clarify the requirements for swimming and wading pools: "access to children", "swimming pool", and "wading pool".

The definition of "conditional employee" was revised to remove language which referred to volunteers, work-study students, and replacement or supplemental staff. The adopted definition reads as follows:

"Conditional employee" means an individual (including any substitute or assistant) who has applied for and been conditionally selected to perform child care functions or administrative, professional, or support functions that allow access to children, as defined in this Section, and who has commenced such duties while awaiting the results of the background check required by this Part.

The definition of "initial background check" was revised to include clearance of the Child Abuse and Neglect Tracking System and the Statewide

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Child Sex Offender Registry. Formerly, the definition of initial background check required a Law Enforcement Agency Data Check and fingerprints, as verified by a receipt from the fingerprint vendor. Fingerprints, when required, are an integral part of the authorization for background check and thus, should not be included in the definition of initial background check.

The proposed definition of "license applicant" was replaced by the definition in the Child Care Act of 1969.

The definition of "persons subject to background checks" was revised to reflect those persons who will be subject to background checks under 89 Ill. Adm. Code 385, Background Checks, and relies more heavily on the concept of "access to children", as opposed to "contact with children". The revised definition reads:

"Persons subject to background checks" means:

- the operator(s) of the child care facility; and
- all current and conditional employees of the child care facility; and
- any person who is used to replace or supplement staff; and
- any person who has access to children, as defined in Section 385.20, Definitions, of 89 Ill. Adm. Code 385, Background Checks.

If the child care facility operates in a family home, the license applicant(s) and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

The list of drug offenses has been removed from those crimes which serve as an absolute bar to license as a day care home, residence in a family home in which a day care home operates, or employment in a day care home.

12) Have all the changes agreed upon by the agency and JCRC been made as indicated in the agreement letter issued by JCRC? Yes

13) Will these amendments replace emergency amendments in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Adopted Amendments: Public Act 89-274 amended the Child Care Act of 1969 to require that at least one staff member certified in first aid, the Heimlich maneuver, and cardiopulmonary resuscitation be on the premises of the day care home during the hours of operation. This requirement is being added to the day care home licensing standards.

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The requirements for a medical examination for children being admitted to the day care home have been revised to require a lead risk assessment in areas defined as low risk by the Illinois Department of Public Health or a screening for lead poisoning, if the child resides in an area defined as high risk by the Illinois Department of Public Health.

The operator of a day care home, all employees of the day care home (including substitutes and assistants), and family members age 13 and over, are subject to background checks. These checks include a criminal history check, a check for a history of child abuse/neglect, and a check of the Statewide Child Sex Offender Registry. In addition, each license applicant must certify under penalty of perjury, that he or she is not more than 30 days delinquent in complying with an order for child support.

Finally, the time period for which a license is valid is increased from two years to three years.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 E. Monroe Street, Station #65
Springfield, IL 62701
217/524-1983
TTY: 217/524-3715

The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 406

LICENSING STANDARDS FOR DAY CARE HOMES

Section	Purpose
406.1	Definitions
406.2	Effective Date of Standards <u>(Repealed)</u>
406.3	Application for License
406.4	Application for Renewal of License
406.5	Provisions Pertaining to the License
406.6	Provisions Pertaining to Permits
406.7	General Requirements for Day Care Homes
406.8	Characteristics and Qualifications of the Day Care Family
406.9	Qualifications for Assistants
406.10	Substitutes
406.11	Admission and Discharge Procedures
406.12	Number and Ages of Children Served
406.13	Health and Medical Care
406.14	Discipline of Children
406.15	Activity Requirements
406.16	Nutrition and Meals
406.17	Transportation of Children By Day Care Home
406.18	Swimming
406.19	Children with Special Needs
406.20	School Age Children
406.21	Children Under 30 Months of Age
406.22	Night Care
406.23	Records and Reports
406.24	Confidentiality of Records and Information
406.25	Cooperation with the Department
406.26	Severability of This Part
406.27	Meal Pattern Chart for Children 0 to 12 Months of Age
APPENDIX A	Meal Pattern Chart for Children Over One Year of Age
APPENDIX B	Background of Abuser, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Day Care Home
APPENDIX C	

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], and Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2].

SOURCE: Adopted and codified at 7 Ill. Reg. 7855, effective July 1, 1983; amended at 8 Ill. Reg. 24951, effective January 1, 1985; amended at 9 Ill. Reg. 2454, effective March 1, 1985; emergency amendment at 15 Ill. Reg. 15088,

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effective October 8, 1991, for a maximum of 150 days; modified at 16 Ill. Reg. 2289, amended at 16 Ill. Reg. 7602, effective April 30, 1992; amended at 18 Ill. Reg. 5531, effective April 1, 1994; amended at 19 Ill. Reg. 2765, effective February 23, 1995; amended at 21 Ill. Reg. 4524, effective APR 11 1996.

Section 406.2 Definitions

"Access to children" means an employee's job duties require that the employee be present in a licensed child care facility during the hours that child care is provided in the facility, in addition to any person who is permitted to be present in the facility, the visual or auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Adult" means any person who is 18 years of age or older.

"Approved smoke detector" or "detector" means a smoke detector of the ionization or photoelectric type which complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal. (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/21-])

"Assistant" or "child care assistant" means a person (whether a volunteer or an employee) who assists a licensed home caregiver in the operation of the day care home.

"Attendance" means the total number of children under the age of 12 present at any one time.

"Authorized representative of the Department" means the licensing representative or any person acting on behalf of the Director of the Department.

"Background check" means:

- = a criminal history check via fingerprints of persons age 18 and over which are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate, or via a MEADS check of persons age 13 through 17; and
- = a check of the Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and

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= a check of the Statewide Child Sex Offender Registry.

"Caregiver" means the individual directly responsible for child care.

"Child-care-facility" means any person-group-of-persons-agency-association-or-organization-which arranges-for-care-or-cases-for children-unrelated-to-the-operator-of-the-facility-apart-from-the parents-in-any-facility-as-defined-in-the-Act--Child-care-facilities may be established for-profit-or-not-for-profit--Child-care facility-is-further-defined-in-paragraph 305-in-the-Child-Care-Act of-1989:

"Children with special needs" means children exhibit one or more of the following characteristics which is confirmed by clinical evaluation:

Visual impairment: the child's visual impairment is such that development to full potential without special services cannot be achieved.

Hearing impairment: the child's residual hearing is not sufficient to enable understanding the spoken word and to develop language, thus causing extreme deprivation in learning and communication, or a hearing loss is exhibited which prevents full awareness of environmental sounds and spoken language, limiting normal language acquisition and learning.

Physical or health impairment: the child exhibits a physical or health impairment which requires adaptation of the physical plant.

Speech and/or language impairment: the child exhibits deviations of speech and/or language processes which are outside the range of acceptable variation within a given environment and which prevent full social development.

Learning disability: the child exhibits one or more deficits in the essential processes of perception, conceptualization, language, memory, attention, impulse control or motor function.

Behavioral disability: the child exhibits an effective disability and/or maladaptive behavior which significantly interferes with learning and/or social functioning.

Mental impairment: the child's intellectual development, mental capacity, and/or adaptive behavior are markedly delayed. Such mental impairment may be mild, moderate, severe or profound.

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"Consultants" means those individuals providing technical assistance or advice regarding any aspect of the operation of the day care home.

"Conviction" means a judgment of conviction or sentence entered upon a plea or guilty or upon a verdict or finding of guilty of a crime or offense, rendered by a legal, constituted court or court of competent jurisdiction authorized to try the case without a jury. [Section 2-3 of the Criminal Code of 1961 (720 ILCS 5/2-1)]

"Day care homes" means family homes which receive more than 3 up to a maximum of 12 children for less than 24 hours per day. The maximum of 12 children includes the family's natural, foster, or adopted children and all other persons under the age of 12. The term does not include facilities which receive only children from a single household. [Section 2.18 of the Child Care Act of 1969 (225 ILCS 10/2.18)]

"Department" means the Illinois Department of Children and Family Services.

"Department" means the Illinois Department of Children and Family Services. [Section 2.02 of the Child Care Act of 1969]

"Discipline" means the process of helping children to develop inner controls so that they can manage their own behavior in socially acceptable ways.

"Grade level" means not more than 4 feet above or 4 feet below ground level.

"Ground level" means that a child can step directly from the exit onto the ground, a sidewalk, a patio, or any surface which is not above or below the ground.

"Guardian" means the guardian of the person of a minor.

"Initial background check" means the individual has cleared a check of the Child Abuse and Neglect Tracking System and the Statewide Child Sex Offender Registry.

"License" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of The Child Care Act of 1969.

"License applicant", for purposes of background checks, means the operator or persons with direct responsibility for daily operation of the facility to be licensed. [Section 4.4 of the Child Care Act of 1969]

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"License study" as used in this Part, means the review of an application for license, on-site visit(s), interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Licensed capacity" means the maximum number of day care children under age 12 permitted in the home at any one time. Children age 12 and over on the premises are not considered in determining license capacity.

"Licensing representative" for the purposes of this Part means those Department staff or other persons authorized by the Department under Section 5 of the Child Care Act of 1969 to examine facilities for licensure.

"Member of the household" means a person who resides in a family home as evidenced by factors, including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority which is punishable solely as a petty offense. (See Section 6-601 of the Illinois Driver Licensing Law (625 ILCS 5/6-601.1))

"Parents" as used in this Part, means those person(s) assuming legal responsibility for care and protection of the child on a 24-hour basis; includes guardian or legal custodian.

"Permit" as used in this Part means a one-time only document issued by the Department of Children and Family Services for a two-month period to allow the individual(s) to become eligible for a license.

"Person" means any individual, group of persons, agency, association, or organization.

"Persons subject to background checks" means:

- = the operator(s) of the child care facility; and
- = all current and conditional employees of the child care facility; and
- = any person who is used to replace or supplement staff; and

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= any person who has access to children, as defined in this Section.

If the child care facility operates in a family home, the licensee (applicant) and all members of the household are 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

"Physician" means a person licensed to practice medicine in the State of Illinois or a contiguous State.

"Premises" means the location of the day care home wherein the family resides and includes the attached yard, garage, and any other out-buildings.

"Program" means all activities provided for the children during their hours of attendance in the home.

"Protected exit from a basement" means an exit which is separated from the remainder of the day care home by barriers (such as walls, floors, or doors) providing one-hour fire resistance. The separation must be designed to limit the spread of fire and restrict the movement of smoke.

"Related" means any of the following relationships by blood, marriage or adoption: parent, grandparent, great-grandparent, great-uncle, great-aunt, brother, sister, stepbrother, stepbrother, stepfather, uncle, nephew, niece, or first-cousin.

"School age" means children from 6 to 12 years of age and five year olds who are in full-day kindergarten.

"Special use areas" means areas of the home which may not be included in the measurements of the area used for child care. Special use areas include, but are not limited to, laundry rooms, furnace rooms, bathrooms, hazardous areas, and areas off-limits to children.

"Supervising agency," as used in this Part, means a licensed child welfare agency, a licensed day care agency, or the Department of Children and Family Services.

"Swimming pool" means any natural or artificial basin of water intended for public swimming or recreational bathing which exceeds two feet six inches (2'6") in depth. The term includes bathing beaches and pools at private residences when used for children enrolled in a child care facility.

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"Wading pool" means any natural or artificial basin of water less than two feet six inches (2'6") in depth which is intended for recreational bathing, water play or similar activity. The term includes recessed areas less than two feet six inches in depth in swimming pools which are designated primarily for children.

(Source: Amended at 21 Ill. Reg. 4524, effective APR 11 1994)

Section 406.3 Effective Date of Standards (Repealed)

The standards prescribed in this Part shall become effective upon the date they are officially adopted and published and shall apply immediately to all day care homes which are not currently licensed. Day care homes licensed at the time these rules are officially adopted and published shall have 6 months from that date to comply with the new or revised standards.

(Source: Repealed at 21 Ill. Reg. 4524, effective APR 11 1994)

Section 406.4 Application for license

a) Application for license as a day care home shall be completed, signed by the day care home applicant(s), and filed with the Department of Children and Family Services by the supervising agency on forms prescribed by the Department.

b) Applicant(s) shall provide the supervising agency: 1) the names, addresses and telephone numbers of at least three (3) adults not related to them who can attest to their character and suitability to provide child care;

2) a list of persons who will be working in the day care home, including any substitutes and assistants, and members of the household age 13 and over; and

3) complete signed authorizations to conduct the background check for each employee or person used to replace or supplement staff and each member of the household age 13 and over.

c) The supervising agency shall study each day care home under its supervision before recommending issuance of a license. The licensing study shall be conducted by a licensing representative and shall be reviewed and approved by his/her supervisor. Supervisory approval indicates recommendation for license or denial of a license and compliance or non-compliance with the standards prescribed by this Part. The study shall be in writing and shall be signed by the licensing representative performing the study and by his/her supervisor. The applicant shall receive a copy of the license study upon written request and payment of copying costs.

d) A new application shall be filed when any of the following occurs: 1) when an application for a license has been withdrawn, and the

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- licensee or agency seeks to reapply; or
- 2) When there is a change in the name of the licensee, the location of the day care home, or the supervising agency; or
 - 3) When there is a change in the status of joint licensees, such as separation, divorce or death; or
 - 4) Not sooner than 12 months after a new license has been revoked or refused to renew a license and a new license is sought.
 - e) Approval of the supervising agency is required to effect changes in the license capacity or the ages of children served in conformance with the requirements of Section 406.13.

(Source: Amended at 21 Ill. Reg. 4524, effective APR 11 1987)

Section 406.6 Provisions Pertaining to the License

- a) A day care home license is valid for three years unless revoked by the Department or voluntarily surrendered by the licensee.
- b) The number of children under age 12 cared for in the day care home at any one time shall not exceed the license capacity. However, the caregiver may accept one additional school-age child in accordance with Section 406.13(e), as long as the total number of children in the home under age 12 does not exceed 12 children.
- c) The age limits specified on the license shall be observed, unless the licensee has submitted a transition plan to the Department in accordance with Section 406.13(f) in order to keep members of a sibling group together and the Department has approved the plan.
- d) Child care may be provided only in those areas specified on the license.
- e) The license is valid only for the family residence of the licensee and shall not be transferred to another person or other legal entity.
- f) The license shall not be valid for a name or location other than the name and location on the license.
- g) The license shall be prominently displayed in the home at all times.
- h) There shall be no fee or charge for the license.

(Source: Amended at 21 Ill. Reg. 4524, effective APR 11 1987)

Section 406.7 Provisions Pertaining to Permits

- a) A permit shall not be issued until:
 - 1) The application for license has been completed and signed by the applicant(s) and submitted to the Department;
 - 2) Character references have been requested, and at least two favorable references have been received and the results of the background check have been received for the operator of the day care home;

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- 3) A personal visit to the home by a licensing representative has been completed. The purpose of this visit is to determine compliance with all the licensing requirements except the examination of the remaining character references, medical examination reports, and well water tests compliance which may be completed with this, and two week period ended by the permit. However, when well water tests are required, applicants must agree to boil all drinking and cooking water and to provide only bottled water for children under 15 months of age until the test results are received;
- 4) A written plan has been submitted to the licensing representative which indicates that requirements for a license shall be met within the two month permit period.
- b) A permit shall not be issued retroactively.
- c) Permits shall not be transferred to another person or other legal entity, organization or supervising agency.
- d) Permits shall not be valid for a name or location different from the name and location shown on the issued permit.
- e) Permits shall not be renewable.
- f) A current permit shall be available in the day care home at all times while the home is operating under a permit.
- g) A license shall be issued at any time within the two month period covered by the permit provided that the day care home achieves and maintains compliance with the Department's licensing standards.
- h) The day care home shall adhere to the provisions or restrictions specified on the permit.
- i) There shall be no fee or charge for the permit.

(Source: Amended at 21 Ill. Reg. 4524, effective APR 11 1987)

Section 406.9 Characteristics and Qualifications of the Day Care Family

- a) No individual may receive a license from the Department when the individual, an adult member of the household age 13 and over, or any individual who has access to who-care-in-regard-or-frequent-contact with the children cared for in a day care home, or any employee of the day care home, has not authorized the background check required by 89 Ill. Adm. Code 385. Background Checks and been cleared in accordance with the requirements of Part 385. has-been-determined-to-be-a-perpetrator-of-child-abuse-or-neglect-under-Section-3-of-the-Abused-and-Neglected-Child-Reporting-Act-1925-1969-5331-and-who-has-been-identified-through-court-court-judgment-criminal-civil-proceeding-as-having-been-a-perpetrator-of-child-abuse-or-neglect based-on-any-one-of-the-following:
 - b) Employees subject to background checks may be in employment on a conditional basis while awaiting the results of the background check. Such employees may not be alone with children until the results of the

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- initial background check have been received.
- c) Persons who have been the perpetrator of certain types of child abuse or neglect or who have committed or attempted to commit certain crimes may not be licensed to operate a day care home, be a member of the household of a family home in which a day care home operates, or be an employee or volunteer in a day care home. These allegations/criminal convictions are listed in Appendix C of this Part.
- d) Day care homes shall be responsible for ensuring that persons subject to criminal background checks make themselves available for fingerprinting when scheduled by the Department or its authorized representative(s). Failure of a person subject to criminal background checks to appear for scheduled fingerprinting may result in the denial of a license application or refusal to renew or revocation of an existing license unless the child care facility can demonstrate that it took reasonable measures to insure cooperation with the fingerprinting process. Adequate cause for failure to appear for fingerprinting includes, but is not limited to:
- 1) Death in the family of the person;
 - 2) Serious illness of the person or illness in the person's immediate family; or
 - 3) Weather or transportation emergencies.
- 4) Death
 - 5) Brain damage or skull fracture
 - 6) Subdural Hematoma
 - 7) Internal Injuries
 - 8) Wounds (gunshot, knife or puncture)
 - 9) Sexually transmitted diseases
 - 10) Sexual penetration
 - 11) Sexual molestation
 - 12) Sexual exploitation
 - 13) Failure to thrive
 - 14) Malnutrition
 - 15) Medical neglect of disabled infant
- b) For the purposes of Section 496-9(a) identification through e-print court proceedings includes:
- 1) Specific findings by a court that a child's abuse, neglect or dependency is the result of physical abuse inflicted by a parent, guardian or legal custodian or other person responsible for the child's welfare (as defined by Section 4 of the Abused and Neglected Child Reporting Act (325 ILCS 126.0-1/4))
 - 2) Criminal convictions and civil judgments regardless of the type of sentence imposed or amount of damages recovered for offenses relating to child abuse, neglect or child sexual abuse resulting from jury, trial or bench (court) trials or voluntary guilty pleas
- c) Prior to denying an individual a license or employment pursuant to subsection (a) the Department shall notify by certified mail the

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- individual that he or she has been identified as a perpetrator of child abuse or neglect as described in subsection (a) above, and the Department shall provide the individual an opportunity to demonstrate that he or she is other than the individual identified in the court finding criminal conviction or civil judgment.
- d) An individual requesting an opportunity for review pursuant to subsection (a) above shall submit such request in writing to the Department or the child care facility as applicable within ten (10) days of receipt of written notice of the Department's intent to deny a license or the Department's or child care facility's intent to deny employment. The individual shall be notified in writing of the date, time and location of the review. The individual may be represented by counsel of his or her choice and may present evidence and/or witnesses on his or her behalf. The individual shall be required to produce evidence that he or she is not the individual identified in the court finding criminal conviction or civil judgment. The Department shall rely upon in making the identification. Evidence to be considered shall be limited to:
- 1) Fingerprints processed through the U.S. Justice Department and the Illinois Department of State Police indicating an absence of a conviction arising from child abuse or neglect identified in subsection (a) above; or
 - 2) Sworn statements from the law enforcement agency or clerk of the court upon whom the Department has relied for the identification that the subject of the report provided to the Department is not the individual seeking licensure or employment.
- e) Except as provided in subsection (a) above, a person determined to be the perpetrator of an indicated incident of abuse or neglect under Section 3 of the Abused and Neglected Child Reporting Act shall not automatically be denied a license from the Department or be denied employment. That day care home licensed by the Department, rather than the individual, shall be given the opportunity to present evidence demonstrating fitness for the type of employment. Such evidence shall include, but not be limited to:
- 1) The nature of the abuse or neglect with which the individual was identified, including whether the abuse or neglect resulted in serious injury or death to a child or children;
 - 2) The circumstances surrounding the commission of the abuse or neglect including the age of the perpetrator and the child(ren); that would demonstrate an unlikelihood of repetition;
 - 3) The period of time that has elapsed since the abuse or neglect occurred and whether prior incidents of child abuse or neglect have been indicated against the individual;
 - 4) Whether the abuse or neglect involved a single or multiple child victim;
 - 5) The relationship of the incident of child abuse or neglect to the individual's current or prospective responsibilities within the day care home.

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- 6) evidence--of--rehabilitation--such--as--employment--education--participation--in--therapy--since--the--indicted--incident(s)--of--abuse--on--record--for--the--licensee;
- 7) Except as stated in Section 406.9(a) and Section 4-2 of the Child Care Act of 1969 (325-1508-19/4-2), an individual convicted of a crime will not automatically be prohibited from contact with children--served--for--in--a--day--care--home--solely--because--of--the--conviction--instead--the--individual--shall--be--given--an--opportunity--to--present--evidence--which--demonstrates--fitness--for--contact--with--children--receiving--day--care--Such--evidence--shall--include--but--is--not--limited--to:
- 1) The type of crime for which the individual was convicted;
 - 2) The number of times for which the individual was convicted;
 - 3) The nature of the offense(s);
 - 4) The age of the individual at the time of conviction;
 - 5) The length of time that has elapsed since the last conviction;
 - 6) The relationship of the crime and--the--capacity--to--care--for--children;
 - 7) Evidence of rehabilitation; and
 - 8) Opinions of community members concerning the individual--in--question.

g) As a condition of licensure, each licensee or license applicant must certify under penalty of perjury that he or she is current or not more than 30 days delinquent in complying with a child support order. Failure to so certify may result in a denial of the license application, refusal to renew the license, or revocation of the license. (Section 10-65(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-65(c)])

h) If the licensee(s) or license applicant(s) acknowledge that they are more than 30 days delinquent in complying with an order for child support or, upon completion of the background check, the licensee(s) or license applicant(s) are found to be delinquent despite their certification, the Department shall deny the application for license, refuse to renew the license, or revoke the license unless the licensee(s) or license applicant(s) arrange for payment of past due and current child support and pay child support in accordance with that agreement.

i) Members of the household who have contact with the children in care shall treat them with respect, courtesy, and patience.

j) The beginning is responsible for the day-to-day operation of the day care home in accordance with the standards prescribed in this Part.

k) The beginning(s) in a day care home shall be at least 18 years of age. The caregivers and all members of the household shall provide medical evidence as required by Section 406.24(h) that they are free of reportable communicable disease, and, in the case of caregivers, free of physical or mental conditions which could interfere with the child care responsibilities.

l) During the hours of operation of the day care home, there shall be at

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least one person on the premises certified in first-aid, the Heimlich maneuver and cardiopulmonary resuscitation by the American Red Cross or the American Heart Association. The caregiver(s) shall have on file current certificates attesting to the training. Currently licensed day care homes have six months to obtain the required certification in first-aid. The licensee shall be certified--in--the--Heimlich--maneuver--and--infant--child--CPR--if--the--day--care--home--accepts--children--eight--years--of--age--and--older--the--licensee--also--shall--be--certified--in--adult--CPR--the--licensee--shall--maintain--current--the--effective--date--of--these--amendments--to--obtain--their--certification--in--CPR--and--the--Heimlich--maneuver--Any--sub-training--shall--meet--the--standards--of--the--American--Heart--Association--or--the--American--Red--Cross--parent(s) or guardian of children in care and operation of the day care home in accordance with standards prescribed by this Part, caregivers shall exhibit competence in the following specific areas:

- 1) Knowledge of basic hygiene, safety, and nutrition.
- 2) The ability to relate comfortably with parents and to communicate with them on differences in caregiving methods, values, and goals.
- 3) The ability to communicate with children.
- 4) The ability to set realistic controls for children and to enforce these without harshness or physical abuse.
- 5) Knowledge of the child's need to explore and manipulate and the willingness to provide and maintain a home where children can enjoy living and learning.

m) The beginning(s) may not be employed outside the home during the hours that child care is being provided.

(Source: Amended at 21 Ill. Reg. 4524, effective APR 11 1997.)

Section 406.12 Admission and Discharge Procedures

a) Children served in a day care home shall not remain on the premises for more than 12 hours in any 24-hour period, unless the parent's employment requires the child to remain more than 12 hours of day care. At no time shall children cared for in a day care facility remain on the premises for 24 consecutive hours.

b) Prior to acceptance of a child for care, the caregiver shall require that the parent or guardian accompany the child to the home to become acquainted with the caregiver and with the service to be provided. No child under six years of age may be admitted to the day care home unless the health examination, complete with lead risk assessment, if the child resides in an area defined as low risk by the Illinois Department of Public Health or a screening for lead poisoning, if the child resides in an area defined as high risk by the Illinois

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Department of Public Health (see 77 Ill. Adm. Code 845, Lead Poisoning Prevention Code), screening
Department of Public Health rules at 77 Ill. Adm. Code 665, Child Health Examination Code.

- c) The parent(s) or guardian shall be permitted to visit the home, without prior notice, during the hours their child(ren) is/are in care.
- d) A child shall be discharged from the facility only to the child's parent(s) or guardian or to a person designated in writing by the parent(s) or guardian to receive the child.
- e) The caregiver shall refuse to release a child to any person, whether related or unrelated to the child, who has not been authorized, in writing, by the parent(s) or guardian to receive the child. Persons not known to the caregiver shall be required to provide a driver's license (with photo) or photo identification card issued by the Illinois Secretary of State to establish their identity prior to a child's release to them.
- f) The facility shall maintain a list of persons designated, in writing, by the parent(s) or guardian to whom the facility can be expected to discharge the child. After the child is released, the facility shall discharge the child to the parent(s) or guardian, who shall constitute the primary list of persons to whom the child may be released. In addition, the facility shall maintain a contingency list of persons designated, in writing, by the parent(s) or guardian to whom the child may be released less frequently than once per week. When the child is released to a person on the contingency list, the facility shall maintain a record of the person to whom the child was released, the date and time that the child was released, and the manner that the child left the facility (whether on foot, by passenger car, by taxicab or other means of transportation).
- g) Other discharge provisions of this Section notwithstanding, a child leaving the day care home to attend school shall be released in accordance with the written authorization of the parent(s) or guardian. Such authorization shall include the time that the child is to be released and the means of transportation the child is to use.

(Source: Amended at 21 Ill. Reg. 4524, effective 4/1/77)

Section 406.14 Health and Medical Care

- a) The caregiver shall conduct a daily, pre-admissions screening to determine if the child has obvious symptoms of illness. If symptoms of illness are present, the caregiver shall determine whether or not to provide care for the child, depending upon the apparent degree of illness, other children present, and facilities available to provide care for the ill child.
- b) Child(ren) with diarrhea and those with a rash combined with fever

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(oral temperature of 100 degrees Fahrenheit or higher) shall not be admitted to the day care home while these symptoms persist, and shall be removed as soon as possible should these symptoms develop while the child is in care.

- c) A medical report, on forms prescribed by the Department, shall be on file for each child and shall be dated no earlier than 6 1/2 months prior to enrollment.
 - 1) The medical report shall be valid for two years, except that subsequent examinations for school-age children shall be in accordance with the requirements of Section 27-8.1 of the School Code (105 Ill. Rev. Stat. 1997-CH-132-Article--27--part--27-8-1 [105 ICCS 5/27-8.1] provided copies of the exam are on file at the facility.
 - 2) A tuberculin skin test shall be included in the initial exam only. The test shall be administered by the Mantoux method in accordance with the rules of the Illinois Department of Public Health.
 - 3) Screening for lead poisoning (for children residing in an area defined as high risk by the Illinois Department of Public Health) or completion of lead risk assessment for children residing in Public Health designated as risk by Illinois Department of Public Health (77 Ill. Adm. Code 845, Lead Poisoning Prevention Code) lead-screening shall be completed for children age six and below in accordance with the rules of the Illinois Department of Public Health (77 Ill. Adm. Code 665, Child Health Examination Code).
 - 4) The report shall indicate that the child has been immunized as required by the rules of the Illinois Department of Public Health for immunizations. These required immunizations are polio, tetanus, and hemorrhagic influenza B.
 - 5) In accordance with the Child Care Act of 1969, as amended, a parent may request that immunizations, physical examinations, and/or medical treatment be waived on religious grounds. A request for such waiver shall be in writing, signed by the parent, and kept in the child's record.
 - 6) Exceptions made for children who for medical reasons should not be subjected to immunizations or tuberculin tests shall be so indicated by the physician on the child's medical form.
 - d) A child suspected of having or diagnosed as having a reportable infectious, contagious, or communicable disease for which isolation is required by the Illinois Department of Public Health's General Procedures for the Control of Communicable Diseases (77 Ill. Adm. Code 690.1000) shall be excluded from the home until the Illinois Department of Public Health or local health department authorized by it states, in writing, that the communicable, contagious or infectious stage of the disease has passed and that the child may be re-admitted to the day care home.

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e) Necessary medications shall be administered according to specific instructions.

1) Prescription medicine labels must bear the child's name, the physician's name, the name of the drug store or pharmacy, prescription number, date of the prescription, and directions for administering.

2) Non-prescription medication may be administered upon written parental permission which specifies the duration and frequency of medication. Such medication shall be administered in accordance with package instructions, and, except for aspirin and aspirin substitutes, shall be labeled with the child's name and dated.

3) There shall be a signed statement by the child's parent or guardian giving permission to the caregiver to administer medication to the child.

4) The caregiver shall maintain a record of the dates, hours and dosages which are given.

5) Medication shall be returned to the parent(s) when it is no longer required. Additionally, medication provided for a child no longer cared for in the facility and medication which has reached its expiration date shall be destroyed.

6) Medical services, such as direct medical care to the child, shall be administered as required by a physician, subject to the receipt of appropriate releases from parents.

f) In order to reduce the risk of infection or contagion to others, space must be provided in the day care home for the isolation and observation of a child who becomes ill. An ill child shall be provided a bed or cot away from other children and a caregiver or assistant shall supervise the child at all times he/she is in the home.

g) When a day care home admits ill or injured children, a plan for the care of such children must be agreed upon with the parent(s) to assure that the needs of the children for rest, attention, personal care and administration of prescribed medication are met. No child requiring medical attention shall be admitted to the home in accordance with 77 Ill. Adm. Code 890 may be admitted.

h) Personal hygiene standards, such as the following, shall be observed:

- 1) Each child shall be provided with an individual towel, washcloth, and drinking cup. Single-use, disposable articles are acceptable.

- 2) A separate sleeping arrangement, such as a bed, cot, crib, or playpen with individual bedding shall be provided for each child. A twin size bed may be used, for 2 children under age 4, provided each child shall have individual sheets.

A) The bed shall be kept in a clean and sanitary condition at all times, and bedding shall be suitable for the season.

B) Family beds may be used for children if separate linens are used.

C) Rubber sheets shall be used when necessary.

3) The caregiver shall require parents to supply clothing suitable to weather conditions, as well as a complete change of clothing in case of need.

4) Caregivers and children shall wash and dry their hands before meals, after toileting, and after contact with respiratory secretions.

5) Open cuts, sores or lesions on caregiver(s) or child(ren) shall be covered.

6) Caregivers shall wash their hands prior to food preparation and after any physical contact with a child during food preparation. Hands shall be dried using single-use towels.

7) Sheets shall be changed when soiled and at least weekly.

8) Clothing soiled due to toilet accidents shall be changed immediately.

i) Caregiver(s) shall take reasonable measures to reduce the spread of communicable disease among children in the facility by observing such procedures as:

- 1) Using only washable toys with diapered child(ren);

- 2) Washing washable toys at least once per day;

- 3) Cleaning facility-provided stuffed toys;

- 4) Washing toys mouthed by one child before they are used by another child; and

- 5) Washing pacifiers and other items placed in the mouth if dropped to the floor or ground.

j) There shall be an emergency plan for each child in case of accident or sudden illness.

- 1) The caregiver shall have available at all times the name, address, and telephone number where the child's parents or guardian, relative, friend, or physician, and the Department can be reached.

- 2) There shall be a planned source of readily available emergency medical care; a hospital emergency medical room, clinic, or the child's physician.

- 3) When the caregiver accompanies a child to the source of emergency care, an adult who meets the standards prescribed by Section 106-11, must assume supervision of other children in the home.

- 4) In case of illness or accident of the parent, guardian, or supervising agency responsible for the child, the child shall be notified immediately, and the child shall be removed from the home as soon as possible.

(Source: Amended at 21 Ill. Reg. 4522, effective

APR 11 1997)

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Section 406 APPENDIX C. Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Day Care Home

A. The Department makes the presumption that an individual who has been determined to be a perpetrator of child abuse or neglect involving the allegations listed below, as defined in Appendix B, Child Abuse and Neglect Allegations of 89 Ill. Adm. Code 300, Reports of Child Abuse and Neglect, is not suitable for work which allows access to children.

Death

Brain damage or skull fracture
Subdural hematoma
Internal injuries
Wounds (gunshot, knife, or puncture)
Torture
Sexually transmitted diseases
Sexual penetration
Sexual molestation
Sexual exploitation
Failure to thrive
Malnutrition
Medical neglect of disabled infant

A single indicated report of child abuse or neglect which resulted in serious injury to the child, regardless of the allegations involved

More than one indicated report involving any of the following allegations, regardless of severity:

Burns or scalding
Poison or noxious substances
Bone fractures
Cuts, bruises, or welts
Human bites
Sprains or dislocations
Tying or close confinement
Substance misuse
Mental injury
Substantial risk of physical injury
Inadequate supervision
Abandonment or desertion
Medical neglect
Lock-out
Inadequate food
Inadequate shelter
Inadequate clothing
Environmental neglect

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If the licensee(s)/license applicant(s) believes there are unusual circumstances that should be considered to mitigate the presumption of unsuitability, the licensee(s)/license applicant(s) may request a waiver of the presumption of unsuitability. Materials to be considered are to be submitted to the licensing entity.

B. Criminal Convictions Which Prevent Licensure or Employment

If any person subject to background checks has been included in the Statewide Child Sex Offender Database or convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 (720 ICS 5) or under any earlier Illinois Criminal Law or Code or an offense in another state, the elements of which are similar and bear a substantial relationship to any of the criminal offenses specified below, this conviction will serve as a bar to receiving a license or permit to operate as a child care facility and from obtaining employment or continuing in employment in a licensed child care facility which allows access to children as part of the duties.

The offenses which serve as a bar to licensure, residence in a family home in which a child care facility operates, or employment which allows access to children in any child care facilities subject to licensing include:

OFFENSES DIRECTED AGAINST THE PERSON**HOMICIDE**

Murder
Solicitation of murder
Solicitation of murder for hire
Intentional homicide of an unborn child
Voluntary manslaughter of an unborn child
Involuntary manslaughter
Reckless homicide
Concealment of a homicide death
Involuntary manslaughter of an unborn child
Reckless homicide of an unborn child
Drug induced homicide

KIDNAPPING AND RELATED OFFENSES

Kidnaping
Aggravated kidnaping
Aggravated unlawful restraint
Pejorative detention
Child abduction

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Aiding and abetting child abduction
Harboring a runaway

SEX OFFENSES

Indecent solicitation of a child
Indecent solicitation of an adult
Public indecency
Sexual exploitation of a child
Sexual relations within families
Prostitution
Soliciting for a prostitute
Soliciting for a juvenile prostitute
Solicitation of a sexual act
Pandering
Keeping a place of prostitution
Keeping a place of juvenile prostitution
Patronizing a prostitute
Patronizing a juvenile prostitute
Pimping
Juvenile pimping
Exploitation of a child
Obscenity
Child pornography
Harmful material
Tie-in sales of obscene publications to distributors

BODILY HARM

Heinous battery
Aggravated battery with a firearm
Aggravated battery of a child
Tampering with food, drugs, or cosmetics
Hate crime
Stalking
Aggravated stalking
Threatening public officials
Home invasion
Vehicle invasion
Criminal sexual assault
Aggravated criminal sexual assault
Predatory criminal sexual assault of a child
Criminal sexual abuse
Aggravated sexual abuse
Criminal transmission of HIV
Criminal contact of an elderly or disabled person
Child abandonment
Endangering the life or health of a child

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Ritual mutilation
Ritualized abuse of a child
Drug induced infliction of great bodily harm

(Source: Added at 21 Ill. Reg. _____, effective _____,
 APR 11, 1987, 45 24)

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1) Heading of the Part: Licensing Standards for Foster Family Homes

2) Code Citation: 89 Ill. Adm. Code 402

3) Section Numbers: Adopted Action:

402.2 Amend

402.4 Amend

402.6 Amend

402.7 Amend

402.12 Amend

402.13 Amend

402.Appendix A Amend

4) Statutory Authority: 225 ILCS 10

5) Effective Date of Amendments: April 1, 1997

6) Does this rulemaking contain an automatic renewal date No

7) Do these amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: April 1, 1997

9) Notice of Proposal Published in Illinois Register: April 5, 1996 20 Ill. Reg. 5221

10) Has JCRC issued a Statement of Objection to these Rules? No

11) Difference between proposal and final version: The following definition of "background check" was added to the rules. It is identical to the definition in 89 Ill. Adm. Code 385, Background Checks.

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over, which are submitted to Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records; appropriate, or via a LEADS check of persons ages 13 through 17; and
- a check of the Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and
- a check of the Statewide Child Sex Offender Registry.

Section 402.4(b) - add the following sentence to this Section:

In addition, members of the household ages 13 through 17 must

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authorize a check of LEADS (which identifies criminal history only if tried and convicted as an adult), CANTS and the Child Sex Offender Registry.

12) Have all the changes agreed upon by the agency and JCRC been made as indicated in the agreement letter issued by JCRC? Yes

13) Will these amendments replace emergency amendments in effect? No

14) Are there any amendments pending on this Part? Yes. December 20, 1996 89 Ill. Reg. 15821

15) Summary and Purpose of Adopted Amendments: These adopted amendments reflect the requirements for background checks for all members of the foster family home. This check must include a check for a history of child abuse/neglect, criminal history, and the Statewide Registry of Child Sex Offenders.

16) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 E. Monroe Street, Station #65
Springfield, Illinois 62701
Telephone: 217/524-1983
TTY: 217/524-3715

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 99: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 402

LICENSING STANDARDS FOR FOSTER FAMILY HOMES

Section

- Purpose
402.1 Definitions
402.2 Effective Date of Standards (Repealed)
402.3 Application for License
402.4 Application for Renewal of License
402.5 Provisions Pertaining to Penalties
402.6 Provisions Pertaining to the License
402.7 General Requirements for the Foster Home
402.8 Requirements for Sleeping Arrangements
402.9 Nutrition and Meals
402.10 Business and Employment of Foster Family
402.11 Background Inquiry
402.12 Health of Foster Family
402.13 Number and Ages of Children Served
402.14 Meeting Basic Needs of Children
402.15 Health Care of Children
402.16 Religion
402.17 Recreation and Leisure Time
402.18 Education
402.19 Discipline of Children
402.20 Emergency Care of Children
402.21 Release of Children
402.22 Confidentiality of Information
402.23 Required Written Consents
402.24 Records to be Maintained
402.25 Licensing Supervision
402.26 Adoptive Homes
402.27 Severability of This Part
402.28

APPENDIX A Criminal Convictions Which Prevent Licensure

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 101].

SOURCE: Adopted and codified at 5 Ill. Reg. 9548, effective October 1, 1981; emergency amendment at 6 Ill. Reg. 15580, effective December 15, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 3439, effective April 4, 1983; amended at 7 Ill. Reg. 13858, effective November 1, 1983; amended at 8 Ill. Reg. 23197, effective December 3, 1984; amended at 11 Ill. Reg. 4292, effective

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March 1, 1987; emergency amendment at 16 Ill. Reg. 11879, effective July 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 267, effective December 21, 1992; emergency amendment at 18 Ill. Reg. 8481, effective May 20, 1994, for a maximum of 150 days; emergency expired on October 17, 1994; amended at 19 Ill. Reg. 1804, effective February 1, 1995; amended at 19 Ill. Reg. 9463, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10743, effective July 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1589, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 3954, effective February 16, 1996, for a maximum of 150 days; emergency expired on July 14, 1996; amended at 21 Ill. Reg. 4545, effective April 11, 1997.

Section 402.2 Definitions

"Background check" means:

- a. a criminal history check via fingerprints of persons age 18 and over which are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records as appropriate, or via a DENIS check of persons ages 13 through 17; and
- a. a check of the Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems, as appropriate, to determine whether an individual is currently allowed or has been indicated as a perpetrator of child abuse or neglect; and
- a. a check of the Statewide Child Sex Offender Registry.

"CANTS" means the Child Abuse and Neglect Tracking System operated and maintained by the Illinois Department of Children and Family Services.

"Child" means any person under 18 years of age.

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10/2.01])

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. Child care facility includes a relative who is licensed as a foster family home pursuant to Section 4 of the Child Care Act of 1969. (Section 2.05 of the Child Care Act of 1969) [225 ILCS 10/2.05]

"Classifiable fingerprints" means fingerprints have been obtained

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through an electronic or ink printing process which were determined to provide sufficiently clear impressions to identify the individual from whom the prints were obtained.

"Common parentage" means having the same biological or adoptive father, the same biological or adoptive mother, or the same biological or adoptive father and mother.

"Complete application for foster family home license" means a completed written application form; written authorization by the applicant and all adult members of the household to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; and fingerprints submitted by the applicant and all adult members of the applicant's household. (Section 4 of the Child Care Act of 1969) [285-1068-10/4]

"Department" means the Department of Children and Family Services.

"Department" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969)

"Foster family home" means a facility for child care in residences of families who receive no more than 8 children unrelated or related to them, unless all the children are of common parentage, or residences of relatives who receive no more than 8 related or unrelated children placed by the Department, unless the children are of common parentage, on a full-time basis, except the Director of Children and Family Services, pursuant to Department regulations, may waive the limit of 8 children unrelated to an adoptive family for good cause to facilitate an adoptive placement. The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children served. (Section 2.17 of the Child Care Act of 1969) [285-1068-10/7-11]

"Full-time care" means the child is a resident of the household, whether on temporary, emergency, or permanent basis, and is receiving family care usually provided by a parent or guardian.

"LEADS" means the Law Enforcement Agencies Agency Data System.

"License" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in

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accordance with applicable standards and the provisions of the Child Care Act.

"License applicant" means the operator of a person with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act of 1969)

"Licensee" means those individuals, agencies, or organizations who hold a license or permit issued by the Department of Children and Family Services.

"Licensing applicant" means those individuals, agencies, or organizations who applied for a license from the Department of Children and Family Services.

"Licensing representative" means those Department staff or other persons authorized by the Department under the Child Care Act of 1969 to examine facilities for licensure.

"Member of the household" means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

"Minor traffic violation" means a traffic violation under the laws of the State Illinois or any municipal authority therein or another state or municipal authority which is punishable solely as a petty offense. [Section 6-601 of the Illinois Driver Licensing Law 1625 ILCS 5/6-601]

"Minor traffic violation," as used in this Part, means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority which resulted in a fine of \$900.00 or less without other penalty such as license suspension or revocation, probation, jail sentence or community service work.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a two month period to allow the individual(s) to become eligible for a license.

"Relative," for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, blood or nephew, niece, first cousin, great-uncle, or uncle, aunt, nephew, niece, first cousin, great-uncle, or

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- great-aunt, or
- is the spouse of such a relative, or
 - is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and the sibling are placed together with that person. (Section 7(b) of the Children and Family Services Act [20 ILCS 505/7(b)].)

"Supervising agency", for the purpose of this Part, means a licensed child welfare agency, license-exempt agency, or the Department of Children and Family Services.

(Source: Amended at 21 Ill. Reg. 4548, effective

April 11, 1995.)

Section 402.4 Application for License

- a) Application for license as a foster family home shall be completed, signed by the foster parent applicant(s), and filed with the Department of Children and Family Services by the supervising agency on forms prescribed by the Department. Applications submitted to the Department after July 1, 1995 shall be a complete application for a foster family home license, as defined in Section 402.2. Any relative who receives a child or children for placement on a full-time basis may apply for a license to operate a foster family home as defined in Section 2.17 of the Child Care Act of 1969 [225 ILCS 10/2.17].

- b) As part of the application, each foster family home applicant and adult member of the household shall authorize criminal background checks in accordance with 89 Ill. Adm. Code 385, Background Checks 89-III-Adm-Code-385-Background-Check-of-Foster-Family-Home-Applicants, and shall submit to fingerprinting to determine if the individual has ever been charged with a crime, and if so, the disposition of the charges. In addition, members of the household ages 13 through 17 must authorize a check of LEADS (which identifies criminal history only if tried and convicted as an adult), CANTS and the Child Sex Offender Registry.

- c) The supervising agency shall study each foster home under its supervision before recommending issuance of a license. The licensing study shall be conducted by a qualified licensing representative and shall be reviewed and approved by the assigned supervisor. Supervisory approval indicates recommendation for license or denial of a license and compliance or non-compliance with the standards. The study shall be in writing and shall be signed by the licensing representative performing the study and by the assigned supervisor. When the application for a license is denied, the supervising agency shall advise the applicant in writing of the reasons for the denial.

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- d) A new application shall be filed when any of the following occurs:
- 1) when an application for license has been withdrawn, and the licensee or agency seeks to reapply; or
 - 2) when there is a change in the name of the licensee, the address of the foster home, the supervising agency, or the area in the home used to children; or
 - 3) when there is a change in the status of joint licensees, such as separation, divorce, or death; or
 - 4) ~~NOT SOONER THAN 12 MONTHS AFTER~~ when the Department has revoked or refused to renew a license, and a new license is sought.
- e) A new application may be submitted at any time, including following the denial of an application for license, except that when a license has been revoked or the Department has refused to renew a license, the licensee may not reapply for licensure as a foster family home for a period of one year after revocation or refusal to renew.

(Source: Amended at 21 Ill. Reg. 4548, effective

April 11, 1995.)

Section 402.6 Provisions Pertaining to Permits

- a) A two month permit may be issued only with the personal written approval of the Director of the Department when:

- 1) The application for license has been completed and signed by the foster parent applicant(s) and submitted to the Department;
- 2) The required background check forms have been completed in accordance with 89 Ill. Adm. Code 385, Background Checks 89-III-Adm-Code-385-Background-Check-of-Foster-Family-Home-Applicants, Classifiable fingerprints, as defined in this Part, have been obtained, and a Child Sex Offender Registry, CANTS and LEADS check have been completed which find finds no history of child abuse or neglect or criminal activities for the foster home applicants;

- 3) A complete licensing study has been conducted by the licensing representative and it has been determined that the family is in reasonable compliance with all applicable standards except for receipt, review, and disposition of the criminal background check required by 89 Ill. Adm. Code 385, Background Checks 89-III-Adm-Code-385-Background-Check-of-Foster-Family-Home-Applicants;

- 4) furnishing, equipment and space sufficient for the children have been acquired; and

- 5) the applicants have signed:

- A) affidavits indicating that they have not been convicted or charged with a crime other than a minor traffic violation;
- B) acknowledgments that, by virtue of being a foster parent, they are mandated to report suspected child abuse or neglect;
- C) acknowledgements that the permit is time limited and

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issuance of a license is contingent upon the results of the criminal background check;

- D) acknowledgements that the permit may be cancelled and the Department will refuse to issue a license if the results of the criminal background check are unfavorable; and
- E) acknowledgements that any children placed in their care will be removed without prior notice if information provided during the application process has been falsified or the applicants have a prior criminal history, other than for a minor traffic violation.
- b) A permit shall not be issued retroactively.
- c) Permits shall not be transferred to another person or other legal entity, y-organization-or-supervising-agency.
- d) Permits shall not be valid for a name or address different from the name and address shown on the issued permit.
- e) Permits shall not be renewable.
- f) A current permit shall be available in the foster home at all times while the home is operating under a permit.
- g) A license shall be issued at any time within the two month period covered by the permit provided that the foster family home achieves and maintains compliance with the Department's licensing standards.
- h) The foster family shall adhere to the provisions or restriction specified on the permit.
- i) There shall be no fee or charge for the permit.

(Source: Amended at 21 Ill. Reg. 4548, effective April 11, 1987)

Section 402.7 Provisions Pertaining to the License

- a) A foster family home license is valid for four years unless revoked by the Department or voluntarily given up by the licensee.
- b) The number of children cared for in the foster family home shall not exceed the license capacity and must conform with the requirements for the number and ages of children who may reside in a foster family home.
- c) The foster parents' biological and adopted children under 18 years of age shall be counted when determining license capacity.
- d) The license shall not be transferred to another person or other legal entity.
- e) The license shall not be valid for a name or an address other than the name and address on the license.
- f) A current license shall be available in the foster home at all times.
- g) There shall be no fee or charge for the license.
- h) The foster family shall adhere to the provisions or restrictions specified on the license in accordance with these rules.

(Source: Amended at 21 Ill. Reg. 4548, effective

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Section 402.12 Qualifications of Foster Family

- a) The licensee(s) shall be either a single person or a man and woman married to each other. Each foster parent shall be willing and able to assume appropriate responsibilities for the child or children received for care.
- b) Foster parents shall be stable, law abiding, responsible, mature individuals, at least 21 years of age.
- c) Foster parents shall have passed the background check required for foster parents and adult members of the household, as required in 89 Ill. Adm. Code 385. Background Checks 89-1111-Adm--Code--3887 Background-Check-of-Foster-Family-Homes-Applicants.
- d) Foster parents shall be able to accept agency supervision.
- e) Foster parents shall adequately supervise children in their care to assure compliance with laws including, but not limited to, criminal laws.
- f) Foster home applicants shall provide the names and addresses of at least three unrelated references who can attest to the applicant's moral character.
- g) Unless parental rights have been terminated, foster parents shall respect and support a child's ties to his or her biological family and shall cooperate with the supervising agency and the service plan for the child and his/her family.
- h) The foster family shall have sufficient financial resources to provide basic necessities for themselves and their own children.
- i) Foster parents shall complete, as a condition of initial licensure, at least six clock hours of training on content approved by the Department.

(Source: Amended at 21 Ill. Reg. 4548, effective April 11, 1987)

Section 402.13 Background Inquiry

- a) As a condition of issuance or renewal of a license by the Department, foster parents shall furnish information of any offenses (other than minor traffic violations) for which they have been charged. The Department shall make a determination concerning their suitability in working with the child in accordance with this Part and 89 Ill. Adm. Code 387. Background-Check 89-1111-Adm--Code--3887-Background-Check-of-Foster-Family-Homes-Applicants.
- b) Persons who have been convicted of an offense shall not be automatically rejected as foster parents unless the offense is one of those listed in Part 402. Appendix A. Otherwise the Department shall consider the following:

- 1) the type of crime for which the individual was convicted;

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- 2) the number of crimes for which the individual was convicted;
- 3) the nature of the offense(s);
- 4) the age of the individual at the time of conviction;
- 5) the length of time that has elapsed since the last conviction;
- 6) the relationship of the crime and the capacity to care for children;
- 7) evidence of rehabilitation; and
- 8) opinions of community members concerning the individual in question.

(Source: Amended at 21 Ill. Reg. 4543, effective 4/24/83)

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Section 402. APPENDIX A Criminal Convictions Which Prevent Licensure

If the foster parent applicant(s) or any adult member of the household has been convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5/], the Cannabis Control Act [720 ILCS 550/], and the Illinois Controlled Substances Act [720 ILCS 570/], or under any earlier Illinois Criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified below, this conviction will serve as a bar to receiving a foster home license or permit.

OFFENSES DIRECTED AGAINST THE PERSON

HOMICIDE

Murder
Solicitation of murder
Solicitation of murder for hire
Intentional homicide of an unborn child
Voluntary manslaughter of an unborn child
Involuntary manslaughter
Reckless homicide
Concealment of a homicidal death
Involuntary manslaughter of an unborn child
Reckless homicide of an unborn child
Drug induced homicide

KIDNAPPING AND RELATED OFFENSES

Kidnapping
Aggravated kidnapping
Unlawful restraint
Aggravated unlawful restraint
Forcible detention
Child abduction
Aiding and abetting child abduction
HARBORING A FUGITIVE

SEX OFFENSES

Indecent solicitation of a child
INDECENT SOLICITATION OF AN ADULT
Public indecency
Sexual exploitation of a child
Sexual relations within families
Prostitution
Soliciting for a prostitute
Soliciting for a juvenile prostitute

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Solicitation of a sexual act

Pandering
 Keeping a place of prostitution
 Keeping a place of juvenile prostitution
 Patronizing a prostitute
 Patronizing a juvenile prostitute
 Pimping
 Juvenile pimping
 Exploitation of a child
 Obscenity
 Child pornography
 Harmful material
 Tie in sales of obscene publication to distributors

BODILY HARM

Felony aggravated assault
 Vehicular endangerment
 Felony domestic battery
 Aggravated battery
 Heinous battery
 Aggravated battery with a firearm
 Aggravated battery of a child
~~Aggravated battery of a child~~
~~retarded-person~~
 Aggravated battery of an unborn child
 Tampering with food, drugs, or cosmetics
 Aggravated battery of a senior citizen
 Drug induced infliction of great bodily harm
 Intimidation
 Compelling organization membership of persons
 Hate crime
 Stalking
 Aggravated stalking
 Threatening public officials
 Home invasion
 Vehicular invasion
 Criminal sexual assault
 Aggravated criminal sexual assault
~~Pediatric criminal sexual assault of a child~~
 Criminal sexual abuse
 Aggravated sexual abuse
 Child transmission of HIV
 Abuse and gross neglect of a long term care facility resident
 Criminal neglect of an elderly or disabled person
 Child abandonment
 Endangering the life or health of a child
 Felony violation of an order of protection
 Ritual mutilation

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Ritualized abuse of a child

OFFENSES DIRECTED AGAINST PROPERTY

Felony theft
 Robbery
 Armed robbery
 Aggravated robbery
 Vehicular hijacking
 Aggravated vehicular hijacking
 Burglary
 Possession of burglary tools
 Residential burglary
 Criminal fortification of a residence or building
 Arson
 Aggravated arson
 Possession of explosives or explosive incendiary devices

OFFENSES AFFECTING PUBLIC HEALTH, SAFETY AND DECENCY

Felony unlawful use of weapons
 Aggravated discharge of a firearm
 Reckless discharge of a firearm
 Unlawful use of metal piercing bullets
 Unlawful sale or delivery of firearms on the premises of any school
 Disarming a police officer
 Obstructing justice
 Concealing or aiding a fugitive
 Armed violence
 Felony contributing to the criminal delinquency of a juvenile

DRUG OFFENSES

Possession of more than thirty grams of cannabis
 Manufacture of more than 10 grams of cannabis
 Cannabis trafficking
 Delivery of cannabis on school grounds
 Unauthorized production of more than five cannabis sativa plants
 Unauthorized criminal cannabis conspiracy
 Unauthorized manufacture or delivery of controlled substances
 Controlled substance trafficking
 Cultivation, distribution, advertisement of look-alike substances
 Calculating criminal drug conspiracy
 Permitting unlawful use of a building
 Delivery of controlled, counterfeit or look-alike substances to persons under age 18, or at truck stops, rest stops, safety rest areas, or on school property

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Using, engaging, or employing persons under 18 to deliver
 controlled, counterfeit or look-alike substances
 Data entry, controlled substances
 Sale or delivery of drug paraphernalia

Pelony possession, sale or exchange of instruments adapted for use
 of controlled substance or cannabis by subcutaneous injection

(Source: Amended at 21 Ill. Reg. 4548, effective

APR 11 1997)

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1) Heading of the Part: Licensing Standards for Group Day Care Homes

2) Code Citation: 89 Ill. Adm. Code 408

3) Section Numbers: Adopted Action:

408.5 Amend
 408.5.1 Repeal
 408.10 Amend
 408.20 Amend
 408.25 Amend
 408.35 Amend
 408.40 Amend
 408.60 Amend
 408.70 Amend
 408. Appendix E New

4) Statutory Authority: 225 ILCS 10

5) Effective Date of Amendments: April 1, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: April 1, 1997

9) Notice of Proposal Published in Illinois Register: April 5, 1996 20 Ill. Reg. 5236

10) Has JCAR issued a Statement of Objection to these Rules? No

11) Difference between proposal and final version: The following definitions were added to make this rule consistent with 89 Ill. Adm. Code 385, Background Checks and to clarify the requirements for swimming and wading pools: "access to children", "swimming pool", and "wading pool".

The definition of "conditional employee" was revised to remove language which referred to volunteers, work-study students, and replacement or supplemental staff. The adopted definition reads as follows:

"Conditional employee" means an individual (including any substitute or assistant) who has applied for and been conditionally selected to perform child care functions or administrative, professional, or support functions that allow access to children, as defined in this Section, and who has commenced such duties while awaiting the results of the background check required by this Part.

The definition of "initial background check" was revised to include

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clearance of the Child Abuse and Neglect Tracking System and the Statewide Child Sex Offender Registry. Formerly, the definition of initial background check required a Law Enforcement Agency Data Check and fingerprints, as verified by a receipt from the fingerprint vendor. Fingerprints, when required, are an integral part of the authorization for background check and thus, should not be included in the definition of initial background check.

The proposed definition of "license applicant" was replaced by the definition in the Child Care Act of 1969.

The definition of "persons subject to background checks" was revised to reflect those persons who will be subject to background checks under 89 Ill. Adm. Code 385, Background Checks, and relies more heavily on the concept of "access to children", as opposed to "contact with children". The revised definition reads:

"Persons subject to background checks" means:

- the operator(s) of the child care facility; and
- all current and conditional employees of the child care facility; and
- any person who is used to replace or supplement staff; and
- any person who has access to children, as defined in Section 385.20, Definitions, of 89 Ill. Adm. Code 385, Background Checks.

If the child care facility operates in a family home, the license applicant(s) and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

The list of drug offenses has been removed from those crimes which serve as an absolute bar to license as a group day care home, residence in a family home in which a group day care home operates, or employment in a group day care home.

- 12) Have all the changes listed upon by the agency and JCARR been made as indicated in the agreement letter issued by JCARR? Yes
- 13) Will these amendments replace emergency amendments in effect? No
- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Adopted Amendments: The requirements for a medical examination for children being admitted to the group day care home have been revised to require a lead risk assessment in areas defined as low

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risk by the Illinois Department of Public Health or a screening for lead poisoning, if the child resides in an area defined as high risk by the Illinois Department of Public Health.

The operator of a group day care home, all employees of the group day care home (including substitutes and assistants), and family members age 13 and over, are subject to background checks. These checks include a criminal history check, a check for a history of child abuse/neglect, and a check of the Statewide Child Sex Offender Registry. In addition, each license applicant must certify under penalty of perjury, that he or she is not more than 30 days delinquent in complying with an order for child support.

Finally, the time period for which a license is valid is increased from two years to three years.

- 16) Information and questions relating these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 E. Monroe Street, Station #65
Springfield, Illinois 62701
Telephone: 217/524-1983
TTY: 217/524-3715

The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 408

LICENSING STANDARDS FOR GROUP DAY CARE HOMES

Section	Purpose
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408.7	Effective Date of Standards (Repealed)
408.10	Application For License
408.15	Application for Renewal of License
408.20	Provisions Pertaining to the License
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408.30	General Requirements for Group Day Care Homes
408.35	General Requirements for Group Day Care Home Family
408.40	Background Checks
408.45	Caregiver(s)
408.50	Child Care Assistant(s)
408.55	Substitute(s)
408.60	Admission and Discharge Procedures
408.65	Number and Ages of Children Served
408.70	Health and Medical Care
408.75	Discipline of Children
408.80	Nutrition and Meals
408.85	Program
408.90	Transportation of Children
408.95	Swimming
409.00	Children with Special Needs
409.10	Children Under 30 Months of Age
409.15	School Age Children
409.20	Night Care
409.25	Records and Reports
409.30	Confidentiality of Records and Information
409.35	Cooperation with the Department
409.40	Severability of This Part
APPENDIX A	Meal Pattern Chart for Children 0 to 12 Months of Age
APPENDIX B	Meal Pattern Chart for Children Over One Year of Age
APPENDIX C	Minimum Equipment and Supplies - Preschool Programs
APPENDIX D	Minimum Equipment and Supplies - Infant and Toddler Programs
APPENDIX E	Background of Abuse, Neglect, or Criminal History which May Prevent Licensure or Employment in a Group Day Care Home

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 1.01, Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], and Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2].

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SOURCE: Adopted at 13 Ill. Reg. 14828, effective October 1, 1989; emergency amendment at 15 Ill. Reg. 15104, effective October 8, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 8950, effective May 30, 1992; amended at 18 Ill. Reg. 5540, effective April 1, 1994; amended at 19 Ill. Reg. 2784, effective February 23, 1995; amended at 21 Ill. Reg. 4363, effective April 1, 1997.

Section 408.5 Definitions

"Access to children" means a child care facility employee's job duties require that the employee be present in a licensed child care facility during the hours that children are present in the facility. In addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Accredited" means accredited by the North Central Association of Schools and Colleges, its regional counterparts, or the National Accreditation Council.

"Adult," as used in this Part means a person eighteen (18) years of age or older.

"Approved smoke detector" or "detector" means a smoke detector of the ionization or photoelectric type which complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal. (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2]).

"Assistant" or "child care assistant" means a person (whether a volunteer or an employee) who assists a licensed home caregiver in the operation of the group day care home.

"Attendance" means the total number of children under the age of 12 present at any one time.

"Authorized representative of the Department" means the licensing representative or any person acting on behalf of the Director of the Department.

"Background check" means:

- = a criminal history check via fingerprints of persons age 18 and over which are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate, or via a LEADS check of persons ages 13 through 17; and

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= a check of the Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and

= a check of the Statewide Child Sex Offender Registry.

"Caregiver" means the individual directly responsible for child care.

"Child-care facility" means any person, group of persons, agency, association or organization which arranges for care of--or cares for--children--unrelated to the operator of the facility--apart from the parents--unrelated to the operator of the facility--Act of 1969. Child-care facilities may be established for-profit or not-for-profit. "Child-care facility" is further defined in Section 2-05 of the Child Care Act of 1969.

"Children with special needs" means child(ren) exhibit one or more of the following characteristics which is confirmed by clinical evaluation:

"Visual impairment": the child's visual impairment is such that development to his or her potential without special services cannot be achieved.

"Hearing impairment": the child's residual hearing is not sufficient to enable him or her to understand the spoken word and to develop language, thus causing extreme deprivation in learning and communication, or a hearing loss is exhibited which prevents full awareness of environmental sounds and spoken language, limiting normal language acquisition and learning.

"Physical or health impairment": the child exhibits a physical or health impairment which requires adaptation of the physical plant.

"Speech and/or language impairment": the child exhibits deviations of speech and/or language processes which are outside the range of acceptable variation within a given environment and which prevent full social development.

"Learning disability": the child exhibits one or more deficits in the essential processes of perception, conceptualization, language, memory, attention, impulse control or motor function.

"Behavioral disability": the child exhibits an effective disability and/or maladaptive behavior which significantly interferes with learning and/or social functioning.

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"Mental impairment": the child's intellectual development, mental capacity, and/or adaptive behavior are markedly delayed. Such mental impairment may be mild, moderate, severe or profound.

"Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury. (Section 2-5 of the Criminal Code of 1961) [720 ILCS 5/2-5]

"Department" means the Illinois Department of Children and Family Services. (Section 2.18 of the Child Care Act of 1969 [225 ILCS 10/2.18])

"Discipline" means the process of helping child(ren) to develop inner controls so that they can manage their own behavior in socially acceptable ways.

"Grade level" means not more than four feet above or four feet below ground level.

"Ground level" means that a child can step directly from the exit onto the ground, a sidewalk, a patio, or any other surface which is not above or below the ground.

"Group day care home" means a family home which receives more than 3 up to 16 children for less than 24 hours per day. The number counted includes the family's natural, foster, or adopted children and all other persons under the age of 12. (Section 2.20 of the Child Care Act of 1969)

"Guardian" means the guardian of the person of a minor.

"Initial background check" means the individual has cleared a check of the Child Abuse and Neglect Tracking System and the Statewide Child Sex Offender Registry.

"License" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License applicant" for purposes of background checks, means the operator or persons with direct responsibility for daily operation of the facility to be licensed. (Section 4.1 of the Child Care Act of 1969)

"License study" as used in this Party means the review of an

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application for license, on-site visit(s), interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Licensed capacity" means the maximum number of day care children under age 12 permitted in the group day care home at any one time. Children age 12 and over on the premises are not considered in determining license capacity.

"Licensing representative" ~~for the purpose of this Part~~ means those Department staff or other persons authorized under Section 5 of the Child Care Act of 1969 to examine facilities for licensure.

"Member of the household" means a person who resides in a family home as evidenced by factors, including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority which is punishable solely as a petty offense. (See Section 6-601 of the Illinois Driver Licensing Law [625 ILCS 5/6-601].)

"Parent(s)," as used in this Part, means those person(s) assuming legal responsibility for care and protection of the child on a 24-hour basis; includes guardian or legal custodian.

"Permit," as used in this Part, means a one-time only document issued by the Department of Children and Family Services for a six-month period to allow the individual(s) to become eligible for a license.

"Persons subject to background checks" means:

- = the operator(s) of the child care facility; and
- = all current and conditional employees of the child care facility; and
- = any person who is used to replace or supplement staff; and
- = any person who has access to children, as defined in this Section.

If the child care facility operates in a family home, the license applicant(s) and all members of the household are 13 and over are

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subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

"Physician" means a person licensed to practice medicine in the State of Illinois or a contiguous state.

"Premises" means the location of the group day care home wherein the family resides and includes the attached yard, garage, and any other outbuildings.

"Program" means all activities provided for the child(ren) during their hours of attendance in the home.

"Protected exit from a basement" means an exit which is separated from the remainder of the group day care home by barriers (such as walls, floors, or doors) providing one-hour fire resistance. The separation must be designed to limit the spread of fire and restrict the movement of smoke.

"Related" means any of the following relationships by blood, marriage or adoption: parent, grandparent, great-grandparent, great-uncle, great-aunt, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, nephew, niece, or first cousin.

"Resource personnel" means physicians, nurses, psychologists, social workers, speech therapists, physical and occupational therapists, educators and other technical and professional persons whose expertise is utilized in providing specialized services to child(ren) with special needs.

"School age" means child(ren) six to twelve years of age and five year olds who are in full-day kindergarten.

"Special use areas" means areas of the home which may not be included in the measurement of the area used for child care. Special use areas include, but are not limited to, laundry rooms, furnace rooms, bathrooms, hazardous areas, and areas off-limits to children.

"Swimming pool," for purposes of this Part, means any natural or artificial basin of water intended for public swimming or recreational bathing which exceeds two feet six inches (2'6") in depth. The term includes bathing beaches and pools at private residences when used for children enrolled in a child care facility.

"Wading pool," for purposes of this Part, means any natural or artificial basin of water less than two feet six inches (2'6") in depth which is intended for recreational bathing, water play or

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similar activity. The term includes recessed areas less than two feet six inches in depth in swimming pools which are designated primarily for children.

(Source: Amended at 21 Ill. Reg. 4563 - effective APR 11 1997)

Section 408.7 Effective Date of Standards (Repealed)

The standards prescribed in this Part shall be effective upon the date they are officially adopted and published and shall apply immediately to all group day care homes which are not currently licensed. Group day care homes licensed at the time these rules are officially adopted and published shall have 6 months from the date to comply with the new or revised standards.

(Source: Repealed at 21 Ill. Reg. 4563 , effective APR 11 1997)

Section 408.10 Application For License

a) Application for license as a group day care home shall be completed, signed by the group day care home applicant(s), and filed with the Department of Children and Family Service on forms prescribed and provided by the Department.

b) Applicant(s) shall provide the Department:

1) the names, addresses and telephone numbers of at least three (3) adults not related to them who can attest to their character and suitability to provide child care;

2) a list of persons who will be working in the group day care home, including any substitutes and assistants, and members of the household age 13 and over; and

3) complete, signed authorizations to conduct the background check for each employee or person used to replace or supplement staff, and each member of the household age 13 and over.

c) The license shall be issued when the standards prescribed by this Part have been met. Upon receipt of an application for a license, the Department shall conduct a license study in order to determine that the group day care home meets licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The applicant shall receive a copy of the license study on written request and payment of copying costs.

d) A new application shall be filed when any of the following occurs:

- 1) When an application for a license has been withdrawn, and the applicant or licensee seeks to reapply; or
- 2) When there is a change in the name of the licensee or the address of the group day care home; or
- 3) When there is a change in the status of joint licensees, such as

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separation, divorce or death, or
4) Not sooner than 12 months after when the Department has revoked or refused to renew a license and a new license is sought.

e) Approval of the Department is required to effect changes in the license capacity, the area of the home used for child care, or the ages of children served in conformance with the requirements of Section 408.65.

(Source: Amended at 21 Ill. Reg. 4563 - effective APR 11 1997)

Section 408.20 Provisions Pertaining to the License

a) The licensee(s) shall be a primary caregiver or caregivers who reside in the family home and meet the requirements of this Part. Further, the licensee(s) shall be either an individual, or a man and woman married to each other or two persons related by blood, marriage or adoption who reside in the family home.

b) A group day care home license is valid for three 2 years unless revoked by the Department or voluntarily surrendered by the licensee.

c) The number of children under age 12 cared for in the group day care home at any one time shall not exceed the license capacity. However, the caregiver may accept one additional school-age child in accordance with Section 408.65(f), as long as the total number of children in the home under age 12 does not exceed 16 children.

d) The age limits specified on the license shall be observed, unless the licensee has submitted a transition plan to the Department in accordance with Section 408.65(g) in order to keep members of a sibling group together and the Department has approved the plan.

e) Child care may be provided only in those areas specified on the license.

f) The license is valid only for the family residence of the licensee and shall not be transferred to another person or other legal entity.

g) The license shall not be valid for a name or an address other than the name and address on the license.

h) The license shall be prominently displayed in the home at all times.

i) There shall be no fee or charge for the license.

(Source: Amended at 21 Ill. Reg. 4563 , effective APR 11 1997)

Section 408.25 Provisions Pertaining to Penalties

a) A permit shall not be issued until:

- 1) The application for license has been completed and signed by the applicant(s) and submitted to the Department;
- 2) The background checks required by Section 408.40 have been completed and the results of the background check have been

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- received for the operator of the group day care home:
- 3) Character references have been submitted regarding the primary caregiver(s), and at least two favorable references have been received;
 - 4) A personal visit to the home by a licensing representative has been completed. The purpose of this visit is to determine compliance with all the licensing requirements except the requirements for remaining character reference(s) and well water tests compliance which may be completed within the six month period covered by the permit. However, when well water tests are required, applicants must agree to boil all drinking and cooking water and to provide only bottled water for infants until the test results are received;
 - 5) Proof of public liability insurance as required by Section 408.35(h) (such proof may consist of, but is not limited to, a copy of an insurance policy, binder or certificate; or a letter from the insurance carrier);
 - 6) Plan developed for emergency medical care as required by Section 408.70;
 - 7) Furnishings and equipment have been acquired for the number of children to be served during the six month permit period in accordance with Appendix C and D;
 - 8) Medical reports and character references are on file at the home for employed staff; and
 - 9) A written plan has been submitted to the licensing representative which indicates that requirements for a license shall be met within the six month permit period.
- a) A permit shall not be issued retroactively.
 - b) A permit shall not be transferred to another person or other legal entity organization.
 - c) A permit shall not be valid for a name or address different from the name and address shown on the issued permit.
 - d) A permit shall not be renewable.
 - e) A current permit shall be available in the group day care home at all times while the home is operating under a permit that the permit is valid.
 - f) A license shall be issued at any time within the six month period covered by the permit provided that the group day care home achieves and maintains compliance with the Department's licensing standards.
 - g) The group day care home shall adhere to the provisions or restrictions specified on the permit.
 - h) The group day care home shall not begin operations until issuance of a permit has been recommended in writing by the licensing representative and supervisor.
- There shall be no fee or charge for the permit.
- (Source: Amended at 21 Ill. Reg. **4563**, effective 1-1-84)

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Section 408.35 General Requirements for Group Day Care Home Family

- a) Each person subject to background checks, as defined in Section 408.5, shall authorize the background check required by 99 Ill. Adm. Code 385. Background checks and be cleared in accordance with the requirements of Part 385 caregiver-child-care-assistant-and-adult member-of-the-household-in-a-group-day-care-home-shall-authorize-the Department-to-conduct-a-background-check-pursuant-to-Section-408.46.
- b) When notified by the Department that an employee, member of the household or other person in frequent contact with children at the facility is the subject of a formal investigation for child abuse or neglect pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5] ~~which~~ ~~new~~ ~~stat~~ ~~1991~~ ~~ch~~ ~~23~~ ~~para~~ ~~2651~~ ~~et seq~~, the licensee shall take reasonable action necessary to insure that the employee or other person is restricted during the pendency of the investigation from contact with children whose care has been entrusted to the facility. Such reasonable action includes, but is not limited to barring or removing the person from the facility, assuring that another adult is always present when the subject of the investigation is in contact with children).
- c) Members of the household who have contact with the child(ren) in care shall treat them with respect, courtesy, and patience.
- d) The caregivers and all members of the household shall provide medical evidence that they are free of a reportable communicable disease which may be transmitted while providing child care; and, in the case of caregiver(s), that they are free of physical or mental conditions which could interfere with the child care responsibilities.
- e) Caregiver(s) and members of a household shall have a tuberculin skin test administered by the Mantoux method in accordance with the rules of the Department of Public Health (77 Ill. Adm. Code 690.720).
- f) Should the caregiver(s) or any member of the household be diagnosed as having a communicable disease for which isolation is required by the Department of Public Health (IDPH) or local health department, the group day care home shall not provide child care until notified by the public health agency that the infectious period has elapsed and that child care may resume. Further, a child care assistant or substitute caregiver who does not reside in the group day care home diagnosed as having a communicable disease for which isolation is required shall be barred from the home until the presence of such person is authorized by the IDPH or the local health department.
- g) During the hours of operation of the group day care home, there shall be at least one person on the premises certified in first-aid, the Heimlich maneuver, and in cardiopulmonary resuscitation by the American Red Cross or the American Heart Association. The caregiver(s) shall have on file current certificates attesting to the training.
- h) The operator of the group day care home (the caregiver(s)) shall carry public liability insurance in the single limit minimum amount of \$100,000 per occurrence.

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- 1) Person(s), including members of the household, counted in the staff-to-child ratio required by Section 408.65 must be present, awake and free from responsibilities other than those directly related to the care and supervision of child(ren) when children are present. These responsibilities may include light housekeeping to maintain the areas wherein child care is provided.
- 2) Caregiver(s), assistant(s) and other persons shall not smoke or consume alcohol in the presence of child(ren). A caregiver or child care assistant who appears to be under the influence of alcohol or other drug shall not have responsibility of the care of child(ren).
- 3) If the group day care home receives children for night-time care, the caregiver may sleep while children are present if the caregiver and the children sleep in the same area of the home and the children's bedrooms are within reach of the caregiver's bedroom.

(Source: Amended at 21. Ill. Reg. 4563, effective April 1, 1994.)

Section 408.40 Background Checks

- a) No individual may receive a license from the Department when the applicant, a member of the household, or an individual who has access to the child(ren) is a group day care home, or any employee of the group day care home, who has been convicted of a crime listed in the Background Checks and been cleared in accordance with the requirements of Part 385.
- b) Employees subject to background checks may begin employment on a conditional basis while awaiting the results of the background check. Such employees may not be alone with children until the results of the initial background check has been received.
- c) Persons who have been the perpetrator of certain types of child abuse or neglect or who have committed or attempted to commit certain crimes may not be licensed to operate a group day care home, be a member of the household of a family home in which a group day care home operates, or be an employee or volunteer in a group day care home. These allegations/criminal convictions are listed in Appendix E of this Part.
- d) Group day care homes shall be responsible for ensuring that persons subject to criminal background checks make themselves available for fingerprinting when scheduled by the Department or its authorized representatives. Failure of a person subject to criminal background checks to appear for scheduled fingerprinting may result in the denial of a license application or refusal to renew or revocation of an existing license unless the child care facility can demonstrate that it took reasonable measures to insure cooperation with the fingerprinting process. Adequate cause for failure to appear for fingerprinting includes, but is not limited to:

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- 1) death in the family of the person
- 2) serious illness of the person or illness in the person's immediate family; or
- 3) As a condition of licensure, each licensee or licensee applicant must certify under penalty of perjury that he or she is not more than 30 days delinquent in complying with a child support order. Failure to so certify may result in a denial of the license application, refusal to renew the license, or revocation of the license. (Section 10-65 of the Illinois Administrative Procedure Act [3 ILCS 100/10-65])
- 4) If the licensee(s) or licensee applicant(s) acknowledge that they are currently more than 30 days delinquent in complying with an order for child support or, upon completion of the background check, the licensee(s) or licensee applicant(s) are found to be delinquent despite their certification, the Department shall deny the application for license, refuse to renew the license, or revoke the license unless the licensee(s) or licensee applicant(s) arrange for payment of past due and current child support and pay child support in accordance with that agreement.
- 5) No individual may receive a license from the Department when the applicant, an adult member of the household or any individual who comes in regular and frequent contact with the children cared for in a day care home or any employee of the day care home, is a person who has been convicted of a crime listed in the Background Checks and been cleared in accordance with the requirements of Part 385.
- 6) Employees subject to background checks may begin employment on a conditional basis while awaiting the results of the background check. Such employees may not be alone with children until the results of the initial background check has been received.
- 7) Persons who have been the perpetrator of certain types of child abuse or neglect or who have committed or attempted to commit certain crimes may not be licensed to operate a group day care home, be a member of the household of a family home in which a group day care home operates, or be an employee or volunteer in a group day care home. These allegations/criminal convictions are listed in Appendix E of this Part.
- 8) Group day care homes shall be responsible for ensuring that persons subject to criminal background checks make themselves available for fingerprinting when scheduled by the Department or its authorized representatives. Failure of a person subject to criminal background checks to appear for scheduled fingerprinting may result in the denial of a license application or refusal to renew or revocation of an existing license unless the child care facility can demonstrate that it took reasonable measures to insure cooperation with the fingerprinting process. Adequate cause for failure to appear for fingerprinting includes, but is not limited to:

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- 2) criminal convictions and civil judgments regardless of the type of sentence imposed or amount of damages recovered for offenses relating to child abuse, child neglect or child sexual abuse resulting from jury trial, bench (court) trials or voluntary guilty pleas;
- c) Prior to denying an individual a license or employment pursuant to subsection (a) the Department shall notify by certified mail the individual that he or she has been identified as a perpetrator of child abuse or neglect as described in subsection (a) above, and the Department shall provide the individual an opportunity to demonstrate that he or she is not the individual identified in the court finding criminal conviction or civil judgment;
- d) An individual requesting an opportunity for review pursuant to subsection (c) above shall submit such request in writing to the Department or the child care facility as applicable within ten (10) days of receipt of written notice of the Department's or child care facility's intent to deny a license or the Department's or child care facility's intent to deny employment. The individual shall be notified in writing of the date, time and location of the review. The individual may be represented by counsel of his or her choice and may present evidence and/or witnesses on his or her behalf. The individual shall be required to produce evidence that he or she is not the individual identified in the court finding criminal conviction or civil judgment. The Department has relied upon in making the identification.
- 3) Evidence to be considered shall be limited to:
- 1) Prior records processed through the Justice Department and the Illinois Department of State Police indicating a sentence of imprisonment or conviction from child abuse or neglect identified in subsection (a) above;
- 2) Sworn statements from the law enforcement agency or clerk of the court upon whom the Department has relied for the identification that the subject of the report provided to the Department is not the individual seeking license or employment;
- e) Except as provided in subsection (a) above, a person determined to be the perpetrator of an indicated incident of abuse or neglect under Section 3 of the Abused and Neglected Child Reporting Act shall not automatically be denied a license from the Department or be denied employment in a group day care home licensed by the Department. Rather, the individual shall be given an opportunity to present evidence which demonstrates fitness for license or employment. Such evidence shall include, but not be limited to:
- 1) the nature of the abuse or neglect with which the individual was identified, including whether the abuse or neglect resulted in serious injury or death to a child or children;
- 2) the circumstances surrounding the commission of the abuse or neglect including the age of the perpetrator and the child(ren);

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- that would demonstrate an unlikely method of repetition;
- 3) the period of time that has elapsed since the abuse or neglect occurred and whether prior incidents of child abuse or child neglect have been indicated against the individual;
- 4) whether the abuse or neglect involved a single or multiple child victims;
- 5) the relationship of the incident of child abuse or neglect to the individual's current or prospective responsibilities within the group day care home;
- 6) evidence of rehabilitation such as employment, education, participation in therapy since the indicated incident(s) of abuse or neglect; and
- 7) character references.
- f) Except as stated in subsection (a) above and Section 4.2 of the Child Care Act of 1969 (205 ILCS 48/4.2), an individual convicted of a crime will not automatically be prohibited from contact with children cared for in a group day care home solely because of the conviction. Instead, the individual shall be given an opportunity to present evidence which demonstrates fitness for contact with children receiving day care. Such evidence shall include, but is not limited to:
- 1) the type of crime for which the individual was convicted;
- 2) the number of times for which the individual was convicted;
- 3) the nature of the offense(s);
- 4) the age of the individual at the time of conviction;
- 5) the length of time that has elapsed since the last conviction;
- 6) the relationship of the crime and the capacity to care for children of rehabilitation; and
- 7) evidence of rehabilitation; and
- 8) character references.
- (Source: Amended at 21 Ill. Reg. 4553, effective 4/1/01.)
- Section 408.60 Admission and Discharge Procedures
- a) Child(ren) served in a day care facility shall not remain on the premises for more than 12 hours in any 24-hour period unless the parent's employment schedule requires more than 12 hours of day care. At no time shall child(ren) cared for in a day care facility remain on the premises for 24 consecutive hours.
- b) Prior to acceptance of a child for care, the caregiver shall require that the parent(s) or guardian accompany the child to the home to become acquainted with the caregiver and with the service to be provided. No child under six years of age may be admitted to the group day care home unless the health examination, complete with lead risk assessment if the child resides in an area defined as low risk by the Illinois Department of Public Health, or a screening for lead

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poisoning if the child resides in an area defined as high risk by the Illinois Department of Public Health (see 77 Ill. Adm. Code 845, Lead Poisoning Prevention Code). Complete-with-test-screening has been completed as required by Department of Public Health rules at 77 Ill. Adm. Code 665, Child Health Examination Code.

- c) The parent(s) or guardian shall be permitted to visit the home, without prior notice, during the hours their child(ren) is/are in care.
- d) The caregiver(s) shall conduct a daily, preadmissions screening to determine if the child has obvious symptoms of illness. If symptoms of illness are present, the caregiver shall determine whether or not to provide care for the child, depending upon the apparent degree of illness, other children present, and facilities available to provide care for the ill child in accordance with the requirements of Section 408-70.
- e) Child(ren) with diarrhea and those with rash combined with fever (oral temperature of 100 degrees Fahrenheit or higher) shall not be admitted to the group day care home while these symptoms persist, and shall be removed as soon as possible should these symptoms develop while the child is in care.
- f) A child shall be discharged from the facility only to the child's parent(s) or guardian or to a person designated in writing by the parent(s) or guardian to receive the child.
- g) The caregiver shall refuse to release a child to any person, whether related or unrelated to the child, who has not been authorized, in writing, by the parent(s) or guardian to receive the child. Persons not known to the caregiver shall be required to provide a driver's license (with photo) or photo identification card issued by the Illinois Secretary of State to establish their identity prior to a child's release to them.
- h) The facility shall maintain a list of persons designated, in writing, by the parent(s), or guardian to whom the facility can be expected to discharge the child at least once per week. These persons, in addition to the parent(s) or guardian, shall constitute the primary list of persons to whom the child may be released. In addition, the facility shall maintain a contingency list of persons designated, in writing, by the parent(s) or guardian to whom the child may be released less frequently than once per week. When the child is released to a person on the contingency list, the facility shall maintain a record of the person to whom the child was released, the date and time that the child was released, and the manner that the child left the facility (whether on foot, by passenger car, by taxicab or other means of transportation).
- i) Other discharge provisions of this Section notwithstanding, a child leaving the group day care home to attend school shall be released in accordance with the written authorization of the parent(s) or guardian. Such authorization shall include the time that the child is to be released and the means of transportation the child is to use.

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(Source: Amended at 21 Ill. Reg. 456.0, effective APR 11 1967)

Section 408.70 Health and Medical Care

- a) A medical report, on forms prescribed by the Department, shall be on file for each child and shall be dated no earlier than 6 months prior to enrollment.
- 1) The medical report shall be valid for two years, except that subsequent examinations for school-age children shall be in accordance with the requirements of Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] (44th Rev. Stat. 1957, ch. 122, par. 37-8.1), provided copies of the exam are on file at the facility.
- 2) A tuberculin skin test shall be included in the initial exam only. The test shall be administered by the Mantoux method in accordance with the rules of the Illinois Department of Public Health.
- 3) Screening for lead poisoning for children residing in an area defined as high risk by the Illinois Department of Public Health or completion of lead risk assessment for children residing in an area defined as low risk by the Illinois Department of Public Health (see 77 Ill. Adm. Code 845, Lead Poisoning Prevention Code) shall be included in the exam for children age six and below in accordance with the rules of the Illinois Department of Public Health (77 Ill. Adm. Code 665, Child Health Examination Code).
- 4) The report shall indicate that the child has been immunized as required by the rules of the Illinois Department of Public Health for immunizations. These required immunizations are poliomyelitis, measles, rubella, diphtheria, mumps, pertussis, tetanus and haemophilus influenza B.
- 5) In accordance with the Child Care Act of 1969, as amended, a parent may request that immunizations, physical examinations, and/or medical treatment be waived on religious grounds. A request for such waiver shall be in writing, signed by the parent, and kept in the child's record.
- 6) Exceptions made for children who for medical reasons should not be subjected to immunizations or tuberculin test shall be so indicated by the physician on the child's medical form.
- b) A child suspected of having or diagnosed as having a reportable infectious, contagious, or communicable disease for which isolation is required by the Illinois Department of Public Health's General Procedures for the Control of Communicable Disease (77 Ill. Adm. Code 690-1000) shall be excluded from the home until the Illinois Department of Public Health or local health department authorized by it states, in writing, that the communicable, contagious or infectious stage of the disease has passed and that the child may be re-admitted to the group day care home.

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c) Necessary medications shall be administered according to specific instructions.

- 1) Prescription medicine labels must bear the child's name, the physician's name, the name of the drug store or pharmacy, prescription number, date of the prescription, and directions for administering.
- 2) Nonprescription medication provided by the parent(s) may be administered upon written parental permission which specifies the duration and frequency of medication. Such medication shall be administered in accordance with package instructions, and shall be labeled with the child's name and dated.
- 3) There shall be a signed statement by the child's parent or guardian giving permission to the caregiver to administer medication to the child.
- 4) The caregiver shall maintain a record of the dates, hours and dosages which are given.
- 5) Medication shall be returned to the parent(s) when it is no longer required. Additionally, medication provided for a child no longer cared for in the facility and medication which has reached its expiration date shall be destroyed.
- 6) Medical services, such as direct medical care to the child, shall be administered as required by a physician, subject to the receipt of appropriate releases from parent(s).
- d) Personal hygiene standards, such as the following, shall be observed:
 - 1) Each child shall be provided with an individual towel, washcloth, and drinking cup. Single-use, disposable articles are acceptable.
 - 2) A separate sleeping arrangement, such as a bed, cot, crib, or playpen with individual bedding shall be provided for each child. A child may be used for 2 children under age 4, provided each child shall have individual sheets and sanitary condition at all times, and bedding shall be suitable for the season.
 - 3) Family beds may be used for child(ren) if separate linens are used.
 - 4) Rubber sheets shall be used when necessary.

3) The caregiver shall require parent(s) to supply clothing suitable to weather conditions, as well as a complete change of clothing in case of need.

- 4) Caregiver(s) and child(ren) shall wash and dry their hands before meals, after toileting, and after contact with respiratory secretions.
- 5) Open cuts, sores or lesions on caregiver(s) or child(ren) shall be covered.
- 6) Caregiver(s) shall wash their hands prior to food preparation and after any physical contact with a child during food preparation. Hands shall be dried using single-use towels.

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- 7) Sheets shall be changed when soiled and at least weekly.
- 8) Clothing soiled due to toilet accidents shall be changed immediately.
- e) In order to reduce the risk of infection or contagion to others, there must be space provided in the group day care home for the isolation and observation of a child who becomes ill. An ill child shall be provided a bed or cot away from other children and a caregiver or assistant shall supervise the child at all times he/she is in the home.
- f) When a group day care home admits an ill or injured child(ren), a plan for the care of such child(ren) must be agreed upon with the parent(s) to assure that the needs of the child(ren) for rest, attention, personal care and administration of prescribed medication are met. No child requiring exclusion from the home in accordance with 77 Ill. Adm. Code 690 may be admitted.

g) Caregiver(s) shall take reasonable measures to reduce the spread of communicable disease among children in the facility by observing such procedures as:

- 1) Using only washable toys with diapered child(ren);
- 2) Washing washable toys at least once per day;
- 3) Cleaning facility-provided stuffed toys;
- 4) Washing toys mouthed by one child before they are used by another child; and
- 5) Washing pacifiers and other items placed in the mouth if dropped to the floor or ground.

h) There shall be an emergency plan for each child in case of accident or sudden illness.

- 1) The caregiver shall have available at all time the name, address, and telephone number where the child's parents or guardian, relative, friend, or physician, and the Department can be reached.
- 2) There shall be a planned source of readily available emergency medical care; a hospital emergency medical room, clinic, or the child's physician.
- 3) When the caregiver accompanies a child to the source of emergency care, an adult must assume supervision of other child(ren) in the care.
- 4) In case of illness or accident, the parent, guardian, or supervising agency responsible for the child shall be notified immediately.

(Source: APR 21 1987 at 4563, effective 4563)

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408 APPENDIX E Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Group Day Care Home

A. The Department makes the presumption that an individual who has been determined to be a perpetrator of child abuse or neglect involving the allegations listed below, as defined in Appendix B, Child Abuse and Neglect Allegations of 99 Ill. Adm. Code 300, Reports of Child Abuse and Neglect is not suitable for work which involves contact with children.

Death
Brain damage or skull fracture
Subdural hematomas
Internal injuries
Wounds (gunshot, knife or puncture)
Torture
Sexually transmitted diseases
Sexual penetration
Sexual molestation
Sexual exploitation
Failure to thrive
Malnutrition
Medical neglect of disabled infant
A single indicated report of child abuse or neglect which resulted in serious injury to the child, regardless of the allegations involved
More than one indicated report involving any of the following allegations, regardless of severity:
Burns or scalding
Poison or noxious substances
Bone fractures
Cuts, bruises, or welts
Scalds/bites
Sexual dislocations
Tight/loose confinement
Subdural trauma
Mental injury
Substantial risk of physical injury
Inadequate supervision
Abandonment or desertion
Medical neglect
Lock-out
Inadequate food
Inadequate shelter
Inadequate clothing
Environmental neglect

If the licensee(s)/license applicant(s) believes there are unusual circumstances that should be considered which mitigate the presumption of unsuitability, the licensee(s)/license applicant(s) may request a

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waiver of the presumption of unsuitability. Materials to be considered are to be submitted to the licensure entity.

B. Criminal Convictions Which Prevent Licensure or Employment
If any person subject to background checks has been included in the Statewide Child Sex Offender Database or convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 (720 ILCS 5) or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relationship to any of the criminal offenses specified below, this conviction will serve as a bar to receiving a license or permit to operate as a child care facility and from obtaining employment or continuing in employment in a licensed child care facility which allows access to children as part of the duties.

The offenses which serve as a bar to licensure, residence in a family home in which a child care facility operates, or employment which allows access to children in any child care facilities subject to licensing include:

OFFENSES DIRECTED AGAINST THE PERSONHOMICIDEMurder

Solicitation of murder
Solicitation of murder for hire
Intentional homicide of an unborn child
Voluntary manslaughter of an unborn child
Involuntary manslaughter
Reckless homicide
Concurrence of a homicidal death
Involuntary manslaughter of an unborn child
Reckless homicide of an unborn child
Drug induced homicide

KIDNAPPING AND RELATED OFFENSES

Kidnapping
Aggravated kidnapping
Aggravated unlawful restraint
Forcible detention
Child abduction
Aiding and abetting child abduction
Harboring a runaway

SEX OFFENSES

Indecent solicitation of a child

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Indecent solicitation of an adult
Public indecency
Sexual exploitation of a child
Sexual relations within families
Prostitution
Soliciting for a prostitute
Soliciting for a juvenile prostitute
Solicitation of a sexual act
Fandering
Keeping a place of prostitution
Keeping a place of juvenile prostitution
Patronizing a prostitute
Patronizing a juvenile prostitute
Bumping
Juvenile pimping
Apprentice of a child
Child pornography
Child pornography
Harful material
Tie-in sales of obscene publications to distributors

BODILY HARM

Religious battery
Aggravated battery with a firearm
Aggravated battery of a child
Tampering with food, drugs, or cosmetics
Hate crime
Stalking
Aggravated stalking
Threatening public officials
Home invasion
Vehicular invasion
Criminal sexual assault
Aggravated criminal sexual assault
Predatory criminal sexual assault of a child
Criminal sexual abuse
Aggravated sexual abuse
Criminal transmission of HIV
Criminal neglect of an elderly or disabled person
Child abandonment
Endangering the life or health of a child
Ritual mutilation
Ritualized abuse of a child
Drug induced infliction of great bodily harm

(Source: Added at 21 Ill. Reg. 4586, effective
April 1, 1997)

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- 1) Heading of the Part: Licensing Standards for Group Homes
- 2) Code Citation: 89 Ill. Adm. Code 403
- 3) Section Numbers: Adopted Action:
403.2 Amend
403.3 Repeal
403.4 Amend
403.6 Amend
403.7 Amend
403.15 Amend
403.18 Amend
- 4) Statutory Authority: 225 ILCS 10
- 5) Effective Date of Amendments: April 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 1, 1997
- 9) Notice of Proposal Published in Illinois Register: April 5, 1996 20 Ill. Reg. 5261
- 10) Has JCPR issued a Statement of Objection to these Rules? No
- 11) Difference between proposal and final version: The definition of "Access to children" was added to make this rule consistent with 89 Ill. Adm. Code 385, Background Checks.

The definition of "initial background check" was revised to include clearance of the Child Abuse and Neglect Tracking System and the Statewide Child Sex Offender Registry. Formerly, the definition of initial background check required a Law Enforcement Agency Data Check and fingerprints, as verified by a receipt from the fingerprint vendor. Fingerprints, when required, are an integral part of the authorization for background check and thus, should not be included in the definition of initial background check.

The definition of "licensing applicant" was removed from the rule.

The definition of "persons subject to background checks" was revised to reflect those persons who will be subject to background checks under 89 Ill. Adm. Code 385, Background Checks, and relies more heavily on the concept of "access to children", as opposed to "contact with children". The revised definition reads:

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"Persons subject to background checks" means:

- the operator(s) of the child care facility; and
- all current and conditional employees of the child care facility; and
- any person who is used to replace or supplement staff; and
- any person who has access to children, as defined in Section 385.20, Definitions, of 89 Ill. Adm. Code 385, Background Checks.

If the child care facility operates in a family home, the license applicant(s) and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

- 12) Have all the changes urged upon by the agency and JCAR been made as indicated in the argument letter issued by JCAR? Yes

- 13) Will these amendments replace emergency amendments in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Adopted Amendments: These adopted amendments support the requirements of 89 Ill. Adm. Code 385, Background Checks, within the licensing standards for group homes. In addition, these amendments define more precisely what constitutes a complete application for license, the conditions under which an applicant may reapply after a license has been revoked or the Department has refused to renew the license, and allows group homes to employ child care workers who are age 18 (rather than age 21) when the group home has an on-site child care supervisor.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 E. Monroe Street, Station #65
Springfield, Illinois 62701
Telephone: 217/524-1983
TTY: 217/524-3715

The full text of the adopted amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 403

LICENSING STANDARDS FOR GROUP HOMES

Section	Purpose
403.1	Definitions
403.2	Effective Date of Standards <u>(Repealed)</u>
403.3	Application for License
403.4	Application for Renewal of License
403.5	Provisions Pertaining to the License
403.6	Provisions Pertaining to Permits
403.7	Child Care Services
403.8	Discipline of Children
403.9	Health and Safety
403.10	Education
403.11	Religion
403.12	Recreation and Leisure Time
403.13	Food and Nutrition
403.14	Background Checks <u>Inquiry</u>
403.15	Professional Services
403.16	Agency Supervision of the Group Home
403.17	Child Care Staff
403.18	Professional Staff
403.19	Support Staff
403.20	Staff Coverage
403.21	Health Requirements for Staff and Volunteers
403.22	Live-in Staff <u>(Repealed)</u>
403.23	Night Duty Staff <u>(Repealed)</u>
403.24	Staff Training
403.25	Physical Facilities
403.26	Required Written Consents
403.27	Records and Reports
403.28	Severability of This Part
403.29	

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 13147, effective November 30, 1981; amended at 7 Ill. Reg. 3454, effective April 4, 1983; amended at 11 Ill. Reg. 1489, effective January 15, 1987; amended at 11 Ill. Reg. 17523, effective October 15, 1987; amended at 21 Ill. Reg. 4587.

Section 403.2 Definitions

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"Access to children" means an employee's job duties require that the employee be present in a licensed child care facility during the hours that children are present in the facility. In addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over which are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records. As appropriate, or via a LEADS check of persons ages 13 through 17; and
- a check of the Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and
- a check of the Statewide Child Sex Offender Registry.

"Child" means any person under 18 years of age.

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10/2.01])

"Child-care facility" means any person, group of persons, agency, association or organization which arranges for or cares for children unrelated to the operator of the facility, apart from the parents. Child-care facilities may be established for profit or not-for-profit. "Child-care facility" is further defined in the Child Care Act.

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody and control as defined in the Child Care Act of 1969, established and maintained for the care of children. (Section 2.05 of the Child Care Act of 1969)

"Department" means the Department of Children and Family Services.

"Department" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969)

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"Employee" means any staff person employed by a child care facility, and includes any substitute or assistant volunteer or work-study student used to replace or supplement staff in the direct care or supervision of children. This definition includes administrative, professional and other support staff who have access to children.

"Group home" means a child-care facility which provides care for no more than 10 children placed by and under the supervision of a licensed child welfare agency as defined in the Child Care Act, which owns, rents, staffs, maintains and otherwise operates the group home.

"Group home" means a child care facility which provides care for no more than 10 children placed by and under the supervision of a licensed child welfare agency with these homes being owned or rented, staffed, maintained and otherwise operated by the agency. (Section 2.17 of the Child Care Act of 1969)

"Initial background check" means the individual has cleared a check of the Child Abuse and Neglect Tracking System and the Statewide Child Sex Offender Registry.

"License" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act.

"License applicant" for purposes of background checks, means the operator or persons with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act of 1969)

"Licensee" means those individuals, agencies or organizations who hold a license or permit issued by the Department of Children and Family Services.

"Licensing applicant" means those individuals, agencies or organizations who apply for a license from the Department of Children and Family Services.

"Licensing representative" means persons for the purpose of this party, means those Department staff authorized by the Department under the Child Care Act of 1969 to examine facilities for licensure.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a six-month period to allow the individual(s), agency or organization to become eligible for a license.

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"Persons subject to background checks" means:

- = the operator(s) of the child care facility; and
- = all current and conditional employees of the child care facility; and
- = any person who is used to replace or supplement staff; and
- = any person who has access to children, as defined in Section 385.20, Definitions, of 89 Ill. Adm. Code 385, Background Checks.

If the child care facility operates in a family home, the license applicant(s) and all members of the household are 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

"Supervising agency", for the purpose of this Part, means a licensed child welfare agency, as defined in the Child Care Act of 1982, which supervises the operation of group home(s).

(Source: Amended at 21 Ill. Reg. 4587, effective APR 11 1987)

Section 403.3 Effective Date of Standards (Repealed)

The standards prescribed in this part shall become effective upon the date they are officially adopted and published and shall apply immediately to all facilities which have never been licensed. Group homes licensed at the time this part is officially adopted and published shall have one calendar year from that date to comply with the new or revised standards.

(Source: Repealed at 21 Ill. Reg. 4587, effective APR 11 1987)

Section 403.4 Application for License

- a) Only a duly licensed child welfare agency may file an application for a group home license.
- b) For the application to be considered complete, the following items shall be attached to the application:
 - 1) staffing plan, including job descriptions and qualifications of staff;
 - 2) program plan; and
 - 3) operating budget; and
 - 4) a list of persons subject to the background check requirements of 89 Ill. Adm. Code 385, Background Checks, and each person's

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complete, signed authorization to conduct the background check.

- c) A new application shall be filed:

- 1) when an application for a license has been withdrawn, and the agency seeks to reapply; or
- 2) when there is a change in:
 - A) the name of the licensee;
 - B) the address of the group home;
 - C) the supervising agency; or
 - 3) not sooner than 12 months after when the Department has revoked or refused to renew a license, and a new license is sought.
- d) A new application may be submitted at any time when a license, permit or application has been voluntarily surrendered or withdrawn by the applicant.

(Source: Amended at 21 Ill. Reg. 4587, effective APR 11 1987)

Section 403.6 Provisions Pertaining to the License

- a) A group home license is valid for four years unless revoked by the Department or voluntarily surrendered by the licensee.
- b) The number of children admitted to the group home shall not exceed the license capacity.
- c) Children under 18 years of age whose parents, guardians, custodians, or other persons are responsible for their care serve as staff members maintaining residence in the group home shall be included in determining the license capacity if they:
 - 1) live in the same quarters as children accepted for care; or
 - 2) have been admitted for direct care by the group home on the same basis as other children.
- d) If children whose parents, guardians, custodians, or other persons are responsible for their care serve as staff members, maintain a residence in the group home or have regular access to the children accepted for care, a background check, as required by 89 Ill. Adm. Code 385, Background Checks, shall be conducted on all children age 13 and over.
- e) The following changes in licensing status shall occur only upon prior approval of the Department:
 - 1) the age or characteristics type of children served;
 - 2) the licensed capacity; and
 - 3) the area within the group home used for children.
- f) The license shall not be transferred or transmitted to another person or other legal entity, organization or sponsor.
- g) The license shall not be valid for a name or an address different than the name and address shown on the license.
- h) The license shall be displayed on the premises.
- i) There shall be no fee or charge for the license.

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(Source: Amended at 21 Ill. Reg. 4587, effective4/19/87)

Section 403.7 Provisions Pertaining to Permits

- a) A permit shall not be issued until:
- 1) the application for license has been completed and signed by the responsible child welfare agency and submitted to the Department;
 - 2) written clearances concerning compliance with the fire, health, sanitation and safety requirements as specified in state laws and municipal codes are received. If well water is used, a copy of the inspection report and certification of compliance with local or state health department regulations must be on file;
 - 3) a person in charge of the daily operation of the group home has been employed, has passed the background check requirements of 89 Ill. Adm. Code 385, Background Checks, and is prepared to begin work at the facility;
 - 4) furnishings, equipment and space sufficient for the number of children to be served have been acquired;
 - 5) child care staff sufficient for the number of children to be served have been hired and are prepared to begin work at the facility;
 - 6) a plan for the provision of food, clothing, educational and religious opportunities and health care of children has been developed;
 - 7) the facility has established procedures and forms to maintain required records including records on the children served;
 - 8) a written plan on how the requirements for licensure will be met within the permit period has been developed; and
 - 9) a projected annual budget for the group home, approved by the policy-making board of the supervising child welfare agency, has been developed.
- b) A permit shall not be issued retroactively.
- c) The permit shall not be transferred or transmitted to another person or other legal entity or organization or sponsor.
- d) The permit shall not be valid for a name or an address different than the name and address shown on the issued permit.
- e) The permit shall not be renewable.
- f) The permit shall be displayed on the premises at all times.
- g) A license shall be issued any time within the six-month period covered by the permit provided the facility achieves and maintains compliance with the Department's licensing standards.
- h) There will be no fee or charge for issuing the permit.

(Source: Amended at 21 Ill. Reg. 4587, effective4/19/87)

Section 403.15 Background Checks Inquiry

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- a) The governing body of the supervising child welfare agency shall ensure in accordance with the requirements of 89 Ill. Adm. Code—385 (Background Checks) that all prospective and current employees submit to fingerprinting (when required), authorize a background check and otherwise meet the requirements of 89 Ill. Adm. Code 385, Background Checks, that Part:
- b) As a condition of issuance or renewal of a license by the Department, the group home shall require all prospective and current employees and at the discretion of the governing body of the supervising child welfare agency, volunteers and subcontractor employees who have direct contact with children persons subject to background checks to furnish written information on any offenses (other than a minor traffic violation) for which they have been convicted in accordance with the Department's rulemaking 89 Ill. Adm. Code 385 89-III-Adm-Code-358 (Background Inquiry for Purchase of Service Providers).

(Source: Amended at 21 Ill. Reg. 4587, effective4/19/87)

Section 403.18 Child Care Staff

- a) Child care staff are those persons whose primary responsibility is the daily care of children. Persons employed in other capacities may function as child care staff provided they are qualified as child care staff.
- b) Child care staff shall:
- 1) be at least 18 twenty-one years of age, if there is an on-site supervisor. If there is no on-site supervisor, child care staff must be at least 21 years of age;
 - 2) have obtained a high school diploma or GED certificate;
 - 3) be in good physical and mental health per Section 403.22;
 - 4) have demonstrated skills in the field of child care or the capacity to develop such skills;
 - 5) have demonstrated ability to work within agency structure and program and to accept agency supervision; and
 - 6) have demonstrated ability to work constructively with parents, other agencies and the community.

(Source: Amended at 21 Ill. Reg. 4587, effective4/19/87)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Licensing Standards for Youth Emergency Shelters

- 2) Code Citation: 89 Ill. Adm. Code 410

- 3) Section Numbers: Adopted Action:
 410.20 Amend
 410.30 Repeal
 410.40 Amend
 410.60 Amend
 410.70 Amend
 410.100 Amend
 410.140 Amend
 410.350 Amend

- 4) Statutory Authority: 225 ILCS 10

- 5) Effective Date of Amendments: April 1, 1997

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: April 1, 1997

- 9) Notice of Proposal Published in Illinois Register: April 5, 1996 20 Ill. Reg. 5271

- 10) Has JCAR issued a Statement of Objection to these Rules? No

- 11) Difference between proposed and final version: The following definitions were added to make this rule consistent with 89 Ill. Adm. Code 385, Background Checks: "access to children", "employee", and "replacement or supplemental staff".

The definition of "conditional employee" was revised to remove language which referred to volunteers, community students, and replacement or supplemental staff. The adopted definition reads as follows:

"Conditional employee" means an individual (including any substitute or assistant) who has applied for and been conditionally selected to perform child care functions or administrative, professional or support functions that allow access to children, as defined in this Section, and who has commenced such duties while awaiting the results of the background check required by this Part.

The definition of "initial background check" was revised to include clearance of the Child Abuse and Neglect Tracking System and the Statewide Child Sex Offender Registry. Formerly, the definition of initial

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background check required a Law Enforcement Agency Data Check and fingerprints, as verified by a receipt from the fingerprint vendor. Fingerprints, when required, are an integral part of the authorization for background check and thus, should not be included in this definition.

The definition of "license applicant" was replaced by the definition in the Child Care Act of 1969.

The definition of "persons subject to background checks" was revised to reflect those persons who will be subject to background checks under 89 Ill. Adm. Code 385, Background Checks and relies more heavily on the concept of "access to children", as opposed to "contact with children".

"Persons subject to background checks" means:

- the operator(s) of the child care facility; and
- all current and conditional employees of the child care facility; and
- any person who is used to replace or supplement staff; and
- any person who has access to children, as defined in Section 385.20, Definitions, of 89 Ill. Adm. Code 385, Background Checks.

If the child care facility operates in a family home, the license applicant(s) and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

The period for reporting the employment of new staff has been changed from ten days to two business days.

- 12) Have all the changes arisen upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these amendments replace emergency amendments in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Adopted Amendments: These adopted amendments support the requirements of 89 Ill. Adm. Code 385, Background Checks, within the licensing standards for youth emergency shelters. In addition, these amendments define more precisely what constitutes a complete application for license, the conditions under which an applicant may reapply after a license has been revoked or the Department has refused to renew the license, and allows youth emergency shelters to employ homeless youth staff who are age 18 (rather than age 21) when the shelter has an on-site homeless youth supervisor.

- 16) Information and questions regarding these adopted amendments shall be

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directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 E. Monroe Street, Station #65
Springfield, IL 62701
(217) 524-1983
TTY: (217) 524-3715

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 410

LICENSING STANDARDS FOR YOUTH EMERGENCY SHELTERS

Section	Purpose
410.10	Definitions
410.20	Effective Date of Standards [Repealed]
410.30	Application for License
410.40	Application for Renewal of License
410.50	Provisions Pertaining to the License
410.60	Provisions Pertaining to Permits
410.70	Supervision of the Emergency Shelter
410.80	Finances
410.90	Homeless Youth Staff
410.100	Professional Staff Requirements
410.110	Support Staff
410.120	Volunteers
410.130	Background Checks Inquiry
410.140	Health Requirements for Staff and Volunteers
410.150	Staff Training
410.160	Live-in Staff
410.170	Staff Coverage
410.180	Physical Facilities
410.190	Facility Capacity
410.200	Notification and Consent of Parent or Legal Guardian
410.210	Notification of Crisis Intervention Agency
410.220	Reporting to the Child Abuse Hotline
410.230	Admission Criteria
410.240	Shelter Care Services
410.250	Length of Stay
410.260	Discipline and Control of Residents
410.270	Food and Nutrition
410.280	Transportation of Youth
410.290	Crisis Management Services
410.300	Medical and Health Services
410.310	Education
410.320	Religion
410.330	Required Written Consents for Minors
410.340	Records and Reports
410.350	Records Retention
410.360	Termination of Shelter Care Services
410.370	Severability of This Part
410.380	

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS

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10).

SOURCE: Emergency Rules adopted at 14 Ill. Reg. 999, effective January 1, 1990, for a maximum of 150 days; adopted at 14 Ill. Reg. 9407, effective May 31, 1990; amended at 21 Ill. Reg. **4596**, effective **APR 11 1991**.

Section 410.20 Definitions

"Access to children" means an employee's job duties require that the employee be present in a licensed child care facility during the hours that children are present in the facility. In addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Background check" means:

- = a criminal history check via fingerprints of persons age 18 and over which are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate, or via a LEADS check of persons ages 13 through 17; and
- = a check of the Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems, as appropriate, to determine whether an individual is currently allowed or has been indicated as a perpetrator of child abuse or neglect; and
- = a check of the Statewide Child Sex Offender Registry.

"Case management services" means services that include the assessment and identification of client needs, the identification of available resources to meet client needs, the development of an individualized service plan, the coordination, monitoring and evaluation of services for each client, and advocacy for a client to assure that services and resources are accessible and provided.

"Child" means any person under 18 years of age.

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 (225 ILCS 10/2.01))

"Child-care facility" means any person-group of persons-agency association-or organization-which arranges-for care-for children unrelated-to-the-operator-of-the-facility-apart-from-the-parents-Child-care facilities may be established for-profit-or-not-for-profit-Child-care facility-is further defined-in-the-Child-Care-Act-of 1969-(Section 2.05-of-the-Act)

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"Child care facility" means any person-group of persons-agency association-or organization-whether established-for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children.(Section 2.05 of the Child Care Act of 1969)

"Conditional employee" means an individual (including any substitute or assistant) who has applied for and been conditionally selected to perform child care functions or administrative, professional, or support functions that allow access to children, as defined in this Section, and who has commenced such duties while awaiting the results of the background check required by this Part.

"Department" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969)

~~Departments means the Illinois Department of Children and Family Services-(Section 2.02-of-the-Act)~~

"Emergency shelter" as-used-in-this-Part means a licensed youth emergency shelter which provides shelter care services, including overnight shelter, to youth from 18 years of age and older, and which may provide overnight shelter to persons up to age 21. Emergency shelter which provides overnight shelter to persons under 18 years of age may not shelter persons over age 21 and their children.

"Employee" means any staff person employed by a child care facility, and includes any substitute or assistant. This definition includes administrative, professional and other support staff who have access to children.

"Homeless youth" means persons found within the State who are under the age of 21, are not in a safe and stable living situation and cannot be reunited with their families.

~~Homeless youth means persons found within the State who are under the age of 21; are not in a safe and stable living situation and cannot be reunited with their families-(Section 2.01a-of-the-Act)~~

"Initial background check" means the individual has cleared a check of the Child Abuse and Neglect Tracking System and the Statewide Child Sex Offender Registry.

"License" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the

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Act.

"License applicant", for purposes of background checks, means the operator or persons with direct responsibility for daily operation of a facility to be licensed. [Section 4.1 of the Child Care Act of 1969]

"Licensee" means those individuals, agencies or organizations who hold a license or permit issued by the Department of Children and Family Services.

"Licensing applicant" means those individuals, agencies or organizations who apply for a license from the Department of Children and Family Services.

"Licensing representative" for the purpose of this part means persons those Department staff authorized by the Department under the Child Care Act of 1969 the Act to examine facilities for licensure.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a six-month period to allow the individual(s), agency or organization to become eligible for a license.

"Persons subject to background checks" means:

- = the operator(s) of the child care facility; and
- = all current and conditional employees of the child care facility; and
- = any person who is used to replace or supplement staff; and
- = any person who has access to children, as defined in Section 385.20, Definitions, of 89 Ill. Adm. Code 385, Background Checks.

If the child care facility operates in a family home, the license applicant(s) and all members of the household age 12 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

"Replacement or supplemental staff" means any paid or unpaid individual who is used to perform essential staff duties as evidenced by being counted in the staff-child ratio or being permitted to be alone with children in a licensed child care facility outside the visual or auditory supervision of facility staff.

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"Resident" and "youth" means any person who is a resident in the shelter care services component of an emergency shelter for homeless youth.

"Shelter care services" means the provision of or referral for services as required by these rules, and the provision provisions of overnight sleeping facilities, laundry facilities, bathroom facilities (sink, toilet, shower), food and the adult supervision of such services when they are in operation and available to the recipients of these services.

"Youth Emergency Shelter" means a child care facility licensed by the Department to provide shelter care services, including overnight shelter, and referral for other shelter care services, to homeless youth from 14 to 18 years of age and their children in accordance with the requirements of the Act, as amended, and the requirements of 89 Ill. Adm. Code 410, Licensing Standards for Youth Emergency Shelters.

(Source: Amended at 21 Ill. Reg. 4596, effective APR 11, 1991.)

Section 410.30 Effective Date of Standards (Repealed)

The standards prescribed in this part shall become effective upon the date they are officially adopted and published and shall apply within 180 days of the effective date of this part to all facilities currently operating as an emergency shelter for homeless youth.

(Source: Repealed at 21 Ill. Reg. 4596, effective APR 11, 1991.)

Section 410.40 Application for License

- a) The individual applicant or governing body of the supervising organization or agency shall file the application for license as an emergency shelter on forms provided by the Department.
- b) For the application to be considered complete, the following items shall be attached to the application:
 - 1) staffing plan, including job descriptions and qualifications of staff;
 - 2) program plan; and
 - 3) annual operating budget showing anticipated expenses and income and
- c) A list of persons subject to the background check requirements of 89 Ill. Adm. Code 385, Background Checks, and each person's complete, signed authorization to conduct the background check.

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- 1) when an application for a license has been withdrawn, and the agency seeks to reapply; or
- 2) when there is a change in:
- A) the name of the licensee;
 - B) the address of the emergency shelter;
 - C) the supervising agency; or
- 3) not sooner than 12 months after when the Department has revoked or refused to renew a license, and a new license is sought; or
- 4) when the facility has been operating for at least one year and requests an increase in license capacity to more than 16 residents.
- 5) An application may be submitted at any time when a licensee, permit or application has been voluntarily surrendered or withdrawn by the applicant.
- 6) If a child-care facility's license is revoked or if the Department refuses to renew a facility's license in accordance with Sections 8 and 8.1 of the Act, the facility may not reapply for a license before the expiration of 12 months following the Department's action; provided, however, that the denial of a re-application for a license pursuant to this Section must be supported by evidence that the prior revocation renders the applicant unqualified or incapable of satisfying the standards and rules promulgated by the Department pursuant to this Act or maintaining a facility which adheres to such standards and rules.
- 7) If the facility re-applies following the expiration of the 12-month period, the application shall be considered to be an application for initial license and not an application for renewal of license.

(Source: Amended at 21 Ill. Reg. 4596, effective April 11, 1989)

Section 410.60 Provisions Pertaining to the License

- a) An emergency shelter which provides shelter for youth from the age of 14 to 18 shall be licensed under this Part. A youth emergency shelter may shelter persons up to the age of 21. A youth emergency shelter shall not shelter any person over the age of 21 or under the age of 14 except that the children of homeless youth may be sheltered with their parents.
- b) An emergency shelter license is valid for four two years unless revoked by the Department or voluntarily surrendered by the licensee.
- c) The number of persons admitted to the emergency shelter shall not exceed the license capacity.
- d) The age limits specified on the license shall be observed.
- e) Children under 18 years of age whose parents, guardians, custodians, or other person(s) responsible for the care of the child serve as staff members maintaining a residence in the emergency shelter shall be included in determining the license capacity if they live in the

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same quarters as youth accepted for care. A background check, as required by 89 Ill. Adm. Code 385, Background Checks, shall be conducted on all such children age 11 and over.

- f) The following changes in licensing status shall occur only upon prior approval of the Department:

- 1) the age or sex of youth served;
 - 2) the licensed capacity; and
 - 3) the area within the emergency shelter used for residents.
- g) The license shall not be transferred or transmitted to another individual, or other legal entity, organization or sponsor.
- h) The license shall not be renewed for an address different than the address added upon the original license.
- i) The license shall be displayed on the premises.
- j) There shall be no fee or charge for the license.

(Source: Amended at 21 Ill. Reg. 4596, effective April 11, 1989)

Section 410.70 Provisions Pertaining to Permits

- a) A permit shall not be issued until:
- 1) the application for license has been completed and signed by the applicant and submitted to the Department;
 - 2) written clearances issued by the State or local authorities concerning compliance with the fire, health, sanitation and safety requirements as specified in state rules and municipal codes are received. Such State rules include when applicable Fire Prevention and Safety (41 Ill. Adm. Code 100); Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 180); Storage, Transportation, Sale and Use of Liquefied Petroleum Gas (41 Ill. Adm. Code 200); Boiler and Pressure Vessel Safety Rules and Regulations (41 Ill. Adm. Code 120); Food Service Sanitation Code (77 Ill. Adm. Code 750); Private Sewage Disposal Code (77 Ill. Adm. Code 905); Control of Communicable Diseases Code (77 Ill. Adm. Code 690); Illinois Plumbing Code (77 Ill. Adm. Code 890); Structural Pest Control Code (77 Ill. Adm. Code 830). If well water is used, a copy of the inspection report and certification of compliance with local or state health department regulations (Illinois Water Well Construction Code (77 Ill. Adm. Code 920), Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)) must be on file;
 - 3) a person in charge of the daily operation (administrator or homeless youth supervisor) of the emergency shelter has been selected who has passed the background check requirements of 89 Ill. Adm. Code 385, Background Checks and is prepared to begin work at the facility;
 - 4) furnishings, equipment and space sufficient for the number of

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youth to be served have been acquired;

- 5) child care staff sufficient for the number of youth to be served have been selected and are prepared to begin work at the facility;
 - 6) background inquiries required by Section 410.130 have been completed;
 - 7) a plan for the provision of food, clothing, educational and religious opportunities and health care of youth has been developed;
 - 8) the facility has established procedures and forms to maintain required records including records on the youth served;
 - 9) a written plan on how the requirements for licensure will be met within the permit period has been developed;
 - 10) a projected annual budget for the emergency shelter, approved by the supervising individual or the policy-making body of the supervising organization, has been developed; and
 - 11) an on-site visit to the facility by the licensing representative has been completed.
- a) A permit shall not be issued retroactively.
 - b) The permit shall not be transferred or transmitted to another individual or other legal entity or successor-in-interest.
 - c) The permit shall not be valid for a name or an address different from the name and address shown on the issued permit.
 - d) The permit shall not be renewable.
 - e) The permit shall be displayed on the premises at all times.
 - f) A license shall be issued any time within the six-month period covered by the permit provided the facility achieves and maintains compliance with the Department's licensing standards.
 - g) There will be no fee or charge for issuing the permit.

(Source: Amended at 21 Ill. Reg. 459.6, effective 1-1-88)

Section 410.100 Homeless Youth Staff

- a) A homeless youth supervisor shall be required for any shelter which is serving more than 10 homeless youth and shall:
 - 1) be at least 25 years of age;
 - 2) have obtained a high school diploma or GED certificate;
 - 3) have three years of full-time experience in a residential or shelter care program or in related youth service programs;
 - 4) demonstrate skill in working with and managing youth of the type served in the program; and
 - 5) demonstrate ability to work cooperatively with administrative staff and persons external to the program.
- b) Homeless youth caretakers are those persons whose primary responsibility is the daily supervision of the residents. Persons employed in other capacities may function as homeless youth caretakers

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provided they are qualified as homeless youth caretakers and other duties do not interfere with supervision of the youth. Homeless youth caretakers shall:

- 1) be at least 18 twenty-one years of age, if there is an on-site supervisor. If there is no on-site supervisor, child care staff must be at least 21 years of age;
- 2) have obtained a high school diploma or GED certificate;
- 3) be in good physical and mental health per Section 410.150;
- 4) have demonstrated through employment or volunteer work:
 - A) skills in the field of child care or the capacity to develop such skills; work within the program structure and to accept supervision; and
 - B) ability to work constructively with parents, other agencies and the community;
- c) Administrators may approve a foster parent licensed by the Department of Children and Family Services to serve as a homeless youth caretaker for up to six homeless youth in the licensed foster home provided space requirements are met and no other population of foster children is being served in the home.

(Source: Amended at 21 Ill. Reg. 459.6, effective 1-1-88)

Section 410.140 Background Checks Inquiry

- a) The supervising organization shall ensure that all prospective and current employees and volunteers used to replace or supplement staff submit to fingerprinting (when required), authorize a background check and otherwise meet the requirements of 89 Ill. Adm. Code 385.4 (Background Checks).
- b) As a condition of issuance or renewal of a license by the Department, the supervising organization that sponsors the emergency shelter shall require all prospective and current employees, volunteers and subcontractor employees who have direct contact with shelter residents to furnish information on any offenses (other than a minor traffic violation) for which they have been convicted in accordance with the standards set forth in the Department's rule implementing 89 Ill. Adm. Code 385.4 89-1111-Adm.-Code-350-(Background-Inquiry-for-Purchase-of-Service-Providers).
- c) An employee may begin work while awaiting the results of the background check. Such employees shall not be left alone with children until the results of the initial background check have been received.

(Source: Amended at 21 Ill. Reg. 459.6, effective 1-1-88)

Section 410.350 Records and Reports

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- a) The supervising individual or organization shall maintain current records on each child receiving shelter care services, on agency personnel (including volunteers), and on each facility operating under its supervision.
- b) If the youth remains at the shelter more than five 5 days in a 30 day period, records for each youth shall include a brief admission history, prior/parental permission, age, date of birth, date of admission, name, address, and phone number of parent or legal guardian, religion, educational level, and case recording reflective of the ongoing shelter care of the youth.
- c) Records shall be maintained on all employees and, in addition, for each volunteer who has responsibility for the care and supervision of youth. The records shall document compliance with Section 410.140, Background Checks, inquiry.
- d) The supervising individual or organization shall maintain a separate file of responses to--the background--inquiry--required-by--Section 410-140--and 99-111-Adm-Code-350-(Background-Inquiry-for-Purchase-of-Service-Providers)--and the results of the background checks check required by Section 410.140 and 89 Ill. Adm. Code 385, Background Checks).
- e) The supervising individual or organization shall maintain records on staff and volunteers and shall submit reports to the Department on forms prescribed by the Department. The following personnel reports are required:
 - 1) A personnel report on each new employee (including owner, operator, or director) shall be filed with the Department. A copy of this report shall be kept at the agency.
 - 2) All staff changes shall be reported to the Department within two business days after beginning employment. Such reports shall be accompanied by complete, signed authorizations for background checks as required by 89 Ill. Adm. Code 385, Background Checks, immediately.
 - 3) Copies of documentation of medical information, verification of educational achievement, and character references of employees shall be provided upon request by the Department.
- f) Financial records of operations shall be maintained as part of the permanent records of the emergency shelter and shall include a copy of the annual audit.
- g) In addition to the records maintained by the supervising individual or organization, the emergency shelter shall maintain current records on its premises. These records shall include a daily log which includes entries on each resident's stay in the emergency shelter and records any unusual incidents or serious occurrences and the use of any behavior management techniques as described in 89 Ill. Adm. Code 384, Discipline and Behavior Management in Child Care Facilities).
- h) The emergency shelter shall report to the resident's parent or legal guardian, and the Department any unusual incidents and serious occurrences involving residents under age 18. These incidents and

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- occurrences shall be reported in writing, or if made verbally, confirmed in writing within 2 working days of the occurrence. Unusual incidents or occurrences include serious accident or injury requiring extensive medical care or hospitalization, death, arrest, alleged abuse or neglect, major fire or other emergency situations, or any serious incident which results in legal action by or against the emergency shelter, which affects any resident, personnel or conduct of the temporary shelter.
- i) Records shall be kept in safe, locked places.
- j) Authorized Department licensing representatives or other Department representatives who have the Director's written authorization shall have access to the records and reports. All persons who have access to the records and reports shall respect their confidential nature.

(Source: Amended at 21 Ill. Reg. 4596, effective APR 11 1997)

STATE BOARD OF ELECTIONS
NOTICE OF ADOPTED RULES1) Heading of the Part: Registration of Voters2) Code Citation: 26 Ill. Adm. Code 2163) Action Numbers: Adopted Action:

216-10	New
216-20	New
216-30	New
216-40	New
216-50	New
216-60	New
216-70	New
216-80	New
216-90	New
216-100	New
Exhibit A	New
Exhibit B	New
Exhibit C	New
Exhibit D	New
Exhibit E	New
Exhibit F	New
Exhibit G	New
Exhibit H	New

4) Statutory Authority: Implements the National Voter Registration Act of 1993 (42 U.S.C. Sections 1973 (g), et seq.) made applicable to all elections in Illinois by order of the Circuit Court of Cook County in Qtr. et al. v. Edgar, et al., Nos. 95-CO-246 and 95-CO-248 (Consolidated) and authorized by Article 1, Section 4 of the United States Constitution and by Sections 1A-8(4), (9) and (12) of the Illinois Election Code (10 ILCS 5/1A-8(4), (9) and (12)).5) Effective Date of Rulemaking: March 31, 19976) Does this rulemaking contain an automatic renewal date? No7) Does this rulemaking contain incorporations by reference? No8) Date Filed in Agency's Principal Office: March 31, 19979) Notice of Proposal Published in Illinois Register: November 1, 1997
[notice and text of emergency rules at 44 Ill. Reg. 14113]10) Has JCAB issued a Statement of Objections to these rules? No11) Difference(s) between proposal and final version: Technical and editorial changes suggested by the Joint Committee on Administrative Rules have been incorporated.STATE BOARD OF ELECTIONS
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1. In line 184, delete "1993" and add "1998"

2. After line 505, add: "d) An absentee voter voting under the provisions of paragraph (a)(1) through (3) of this section shall also complete an Address Correction for Fall Safe Voters."

3. Replace 216.Exhibit F with the attached new 216.Exhibit F. Old and New 216 Exhibit F differ only in the following respects: after "please complete and return the postcard at the bottom, not later than" new 216 Exhibit F adds:

" If this card is not returned, you may be required to confirm your address before being permitted to vote in a federal election. If this card is not returned and you fail to vote during the period beginning on the date of this notice and ending on the date of the second general election that occurs after the date of the notice, your registration will be cancelled."

12) Have all the changes agreed upon by the agency and JCAB been made as indicated in the agreement letter issued by JCAB? Yes13) Will this rulemaking replace an emergency rule currently in effect? Yes14) Are there any amendments pending on this Part? No15) Summary and Purpose of Rulemaking: The new part is a comprehensive set of rules governing voter registration and voting, in certain circumstances, in elections of the National Voter Registration Act of 1993 (42 U.S.C. Sections 1973 (g), et seq.) made applicable to all elections in Illinois by order of the Circuit Court of Cook County in Qtr. et al. v. Edgar, et al., Nos. 95-CO-246 and 95-CO-248 (consolidated). Rules include provisions for (1) voter registration simultaneous with application for a driver's license or Illinois identification card and for certain social services, and (2) for voter registration by mail. The rules also provide for a limited opportunity for a voter who has changed residence since registration but has not informed their election authority of that fact, to vote for federal offices at the polling place of his or her old residence and at the same time update voter registration information. Finally, the rules provide for an administrative procedure for eliminating inactive voter registrations after a period not shorter than two general elections.16) Information and questions regarding these adopted rules shall be directed to:

A.L. Zimmer, General Counsel
State Board of Elections
James R. Thompson Center

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED RULES

100 W. Randolph Street, Suite 14-100
Chicago, IL 60601
312/814-6440

The full text of the Adopted Rule begins on the next page:

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED RULES

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONS

PART 216

REGISTRATION OF VOTERS

Section

216.10 Applicability

216.20 Definitions

216.30 Receipt of Voter Registration Applications

216.40 Maintaining Voter Records

216.50 Canceling Voter Registrations

216.60 Forms

216.70 Processing Voter Registration Applications

216.80 Documenting Transactions

216.90 Voting

216.100 Designation of Chief State Election Official

Exhibit A

Voter Registration Application - Illinois

Exhibit B

Voter Registration Information

Exhibit C

Voter Registration Application Transmittal

Exhibit D

Disposition of Registration

Exhibit E

Voter Identification Card

Exhibit F

Confirmation of Address

Exhibit G

Registration Deadline Notice

Exhibit H

Address Correction For Fail Safe Voter

AUTHORITY: Implementing the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) and authorized by Section 1A-8(4), (9) and (12) of the Election Code [10 ILCS 5/1A-8(4), (9) and (12)]

SOURCE: Emergency adoption at 21 Ill. Reg. 14247, effective October 22, 1996, for a maximum of 150 days; adopted at 21 Ill. Reg. 4010, effective MAR 31 1997.

Section 216.10 Applicability

- a) This Part implements the National Voter Registration Act of 1993 (42 U.S.C. Sections 1973gg et seq.) and the order of the Circuit Court of Cook County entered May 1, 1996 in Or, et al., v. Edgar, et al. 95 CO 246 and 95 CO 246 (Consolidated).
- b) The requirements and procedures contained in this Part apply to election authorities accepting or transmitting Voter Registration Applications under the provisions of the National Voter Registration Act of 1993 and/or maintaining voter registration records under the provisions of Articles 3, 5, 6, 7, and 6A of the Election Code.
- c) Provisions of this Part are additional to any other method or provision for registration to vote contained in the Illinois Election Code [10 ILCS 5].

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- d) Unless a provision to the contrary is made by this Part, the requirements of the Election Code remain applicable to voter registration cards and to Voter Registration Applications.

Section 216.20 Definitions

"Applicant" -- An applicant for purposes of this Part is a person who: appears in person to request the Secretary of State of Illinois to issue a driver's license, including renewals and change of address or an identification card;

appears in person to sign a request to receive public assistance or to renew a request for public assistance, or certify that he or she remains eligible for public assistance from a township government in counties under township organization, or from the county commissioners of a county not under township organization; meets the definition of an applicant under the statutes or rules which govern the administration of certain social services programs administered by designated agencies of the State of Illinois; or

submits directly to an election authority a Voter Registration Application designed by the Illinois State Board of Elections or the National Mail Voter Registration Booklet designed by the United States Federal Election Commission.

"Application" or "Voter Registration Application" -- An application or Voter Registration Application for the purposes of this Part is an Illinois Voter Registration Application designed by the Illinois State Board of Elections or the National Mail Voter Registration Booklet designed by the United States Federal Election Commission or a document with identical purpose and conforming to the requirements of the National Voter Registration Act of 1993 and this Part generated by the Illinois Secretary of State, a designated agency, or an election authority.

"Deputy registrar" -- A deputy registrar is a person appointed by an election authority for the limited and particular purpose of registering persons to vote in all elections in Illinois by use of the triplicate registration card. For purposes of this Part deputy registrar does not include an employee or contractor of the Secretary of State, designated agency, or township supervisor or county commissioner who accepts Voter Registration Applications but who is not so appointed, or any armed forces personnel designated by the United States Department of Defense to accept Voter Registration Applications not so appointed.

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"Designated agency" -- A designated agency is an agency of the State of Illinois or its contractors selected by the Governor of the State of Illinois to provide an opportunity to its clients to register to vote at the time the client applies for, reappplies for, or is recertified for services from one or more programs administered by the agency.

"Election authority" -- An election authority is a city board of elections commissioners, a county board of elections commissioners, or a county clerk in counties not under the management of a county board of elections commissioners.

"Federal election" -- For purposes of voter registration and voting by voters on inactive status, a federal election is a general or special election, including primary elections, for any federal office and a presidential preference primary election. For purposes of maintaining an inactive status, voters who have registered to vote and transferred to inactive status and for reapplying for registration required by Section 216.80 of this Part with respect to Voter Registration Applications, a federal election is a general election, excluding the general primary election.

"Federal office" -- Federal office includes electors to elect the President and Vice-President of the United States, United States Senators and Members of the United States Congress.

"Inactive voter" -- An inactive voter is a person who, having once submitted a Voter Registration Application subsequently acknowledged by the election authority having jurisdiction over the voter's place of residence, or a registration card, has not responded to a notice to confirm his or her address, but whose authority to vote has not yet been canceled.

"Non-discriminatory" -- Non-discriminatory means without intentionally differing treatment of an individual by reason of his or her racial, religious, ethnic, political party, gender, or linguistic characteristics, or without intentional or unintentional disparate impact upon a group of persons identified by racial, religious, ethnic, political party, gender or linguistic characteristics.

"Record" -- A record is a Voter Registration Application which has been accepted and acknowledged by an election authority. Record includes Voter Registration Applications which have been placed in a file of inactive voters, but does not include rejected or unacknowledged Voter Registration Applications.

"Secretary of State" -- Secretary of State means the Division of Driver Services of the Office of the Illinois Secretary of State.

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"Voter Registration Card" -- A Voter Registration Card is a voter registration card authorized by the Illinois Election Code and used by election authorities to enroll voters to vote prior to the enactment of the National Voter Registration Act of 1993 and presently.

Section 216.30 Receipt of Voter Registration Applications

- a) This Section implements Sections 4, 5, 6, and 7 of the National Voter Registration Act of 1993 (42 U.S.C. Sections 1973gg-4, gg-5, gg-6, and gg-7) and the order of the Circuit Court of Cook County entered May 1, 1996. *Or, et al., v. Edgar, et al.*, 95 CO 246 and 95 CO 248 (Consolidated).
- b) Each election authority is authorized and directed to accept Voter Registration Applications tendered to it under circumstances complying with the provisions of the National Voter Registration Act of 1993, by the Secretary of State, designated agencies, county clerks and Board of Election Authorities and their employees, county clerks and deputy registrars, township supervisors, county commissioners of counties not under township organization, recruitment officers of the United States Department of Defense and individual applicants using the United States Postal Service.
- c) Each Voter Registration Application so accepted shall be processed by the election authority according to the provisions of the National Voter Registration Act of 1993, and each Voter Registration Application acknowledged by an election authority shall entitle the applicant to vote in all elections conducted in the State of Illinois under the Illinois Election Code.
- d) Each election authority shall acknowledge every Voter Registration Application and Voter Registration Card which conforms to the requirements of the National Voter Registration Act of 1993 and this Part submitted by qualified voters as defined by 10 ILCS 5/3-1. Voter Registration Applications and Voter Registration Cards not conforming to the requirements of the National Voter Registration Act of 1993 shall be processed according to this Part.

Section 216.40 Maintaining Voter Records

- a) This Section implements Section 8 of the National Voter Registration Act of 1993 (42 U.S.C. Sections 1973gg-5 and gg-6) and the order of the Circuit Court of Cook County entered May 1, 1996 in *Or, et al., v. Edgar, et al.*, 95 CO 246 and 95 CO 248 (Consolidated).
- b) Each election authority shall enter any Voter Registration Application it acknowledges into its master file of registered voters.
- c) Each election authority shall make a copy of each Voter Registration Application it acknowledges and place such copy in the precinct binder of the precinct in which the applicant resides, or, where voter registration data is kept by signature digitization systems, enter such data into the signature digitization system.

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- d) At each election it conducts, each election authority shall send to each precinct polling place in its jurisdiction the precinct binder for that precinct or such list of eligible voters prepared by a signature digitization system as may be allowed by statute and rule of the State Board of Elections.
- e) Beginning January 1, 1998, each election authority shall, at each election it conducts, prepare for each precinct polling place in its jurisdiction, a list or file of all Voter Registration Applications and Voter Registration Cards that have been transferred to inactive status in that precinct. Such list shall either, in the discretion of the election authority, include or be entirely composed of a computer-generated list of the electronically stored Voter Registration Applications and Voter Registration Cards of that precinct. The information to be included in the computer stored data shall be the name, address, date of birth, last four digits of the social security number and a computer-generated duplicate of the signature of the applicant. Such list, to the extent that it is not composed of a list generated from electronically stored data, shall consist of copies of Voter Registration Applications and duplicate Voter Registration Cards.
- f) Each election authority shall keep all records concerning the implementation of programs and activities conducted to maintain the accuracy and currency of voter registration files for at least two years. Such records shall be made available to the public for inspection and where facilities permit, copies shall be provided at reasonable cost. However, nothing in this Section or any other to the contrary notwithstanding, information that relates to a voter's declaration to register or identifies the agency through which a voter registered shall remain confidential.
- g) Election authorities shall maintain a list of all voters to whom a forwardable confirmation of address notice has been sent. Such list shall note whether the voter has responded to the notice. The list shall be made available to the public and be current as of the date the request for public inspection is made.
- h) Not earlier than February 1 and not later than March 1 of each odd-numbered year, each election authority shall report to the State Board of Elections the number of forwardable confirmation of address notices mailed and the number of responses received between the two previous federal elections.

Section 216.50 Canceling Voter Registrations

- a) This Section implements Section 8 of the National Voter Registration Act of 1993 (42 U.S.C. Sections 1973gg-5 and gg-6) and the order of the Circuit Court of Cook County entered May 1, 1996 in *Or, et al., v. Edgar, et al.*, 95 CO 246 and 95 CO 248 (Consolidated).
- b) No voter registration may be canceled without following the procedures and providing the notice of suspension or cancellation required by

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Section 8(a) through (d) of the National Voter Registration Act of 1993. The voter Registration Application or the Voter Registration Card of an inactive voter who has not voted in two consecutive general federal elections shall be canceled at the completion of procedures set forth in Section 8(d) of the National Voter Registration Act of 1993, provided that while such procedures are pending, the voter has taken no action specified in the National Voter Registration Act of 1993 to restore his or her name to active voter status.

c) An election authority shall cancel the Voter Registration Application or Voter Registration Card of a voter upon receipt of a request in writing from the voter to do so. A written acknowledgment by the voter that he or she has changed residence to a place beyond the jurisdiction of the election authority or an attempt to register in another jurisdiction shall be deemed a request to cancel the voter registration.

d) A voter's registration shall be canceled upon the election authority's receipt of:

- 1) a notice from the State Board of Elections that the voter has been incarcerated in a United States correctional facility by reason of conviction;
- 2) a certified notice from the state department of corrections or a sheriff of a county in the United States that the voter has been incarcerated in a state or county correctional facility, as the case may be; if:

- A) the certified notice states on its face that the incarceration is a result of a criminal conviction and the crime of which the voter has been convicted, or
- B) the certified notice is accompanied by a certified judgment of conviction or equivalent document issued by the court in which the conviction was obtained;

- 3) a certified copy of a judgment of conviction from a court of record that the voter has been convicted of a crime in which it was found that the voter lacked the requisite qualifications to be a voter in Illinois either at the time of conviction or at the time application was made to become a voter, whether or not the voter was incarcerated as a result of such conviction;

- 4) a certified copy of a final judgment order of a court of record or a certified copy of the final determination of an administrative tribunal having jurisdiction in which it was found that the voter lacked the requisite qualifications to be a voter in Illinois either at the time of entry of the judgment or determination, or at the time application was made to become a voter; or

- 5) a certified copy of the voter's death certificate or equivalent document issued by a department of vital records, wherever situated.

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a) This Section implements Sections 5, 6, 7 and 8 of the National Voter Registration Act of 1993 (42 U.S.C. Sections 1973gg-3, gg-4, gg-5 and gg-6) and the order of the Circuit Court of Cook County entered May 1, 1996 in *Or, et al. v. Edgar*, et al. 95 CO 246 and 95 CO 248 (Consolidated).

b) Township supervisors and county commissioners in counties not under township organization shall, and the Illinois Secretary of State and designated agencies of the State of Illinois may, use the forms prescribed in Exhibits A, B, and C of this Part in taking and transmitting the Voter Registration Applications of applicants who choose to submit Voter Registration Applications, or in recording the decision of the applicants who decline to submit Voter Registration Applications if such agencies do not otherwise provide forms of their own design meeting the requirements of the National Voter Registration Act of 1993.

c) Election authorities shall use the forms prescribed in Exhibits D, E, F, G, and H in providing notice of decisions taken with respect to Voter Registration Applications and Voter Registration Cards.

d) The State Board of Elections shall supply to each election authority a quantity of the National Mail Voter Registration Booklets designed by the United States Federal Election Commission on an as-needed basis. Each election authority shall make a copy of the National Mail Voter Registration Booklet available to any person over 18 years of age in its jurisdiction who seeks to register to vote in another State, or register to vote in such person's home State for a National Mail Voter Registration Booklet to the Illinois State Board of Elections in accordance with subsection (b) of this Section.

e) Each election authority shall make a copy of the Illinois Voter Registration Application available to any person over 18 years of age in its jurisdiction who seeks to register to vote in Illinois. Each Voter Registration Application supplied to an individual shall be accompanied by instructions for completing the forms and returning it to the appropriate address. Such instructions may be oral where the form is supplied by a designated agency to an applicant.

f) Election authorities, the Secretary of State, and designated agencies shall obtain the Illinois Voter Registration Application for their own purposes and, in the case of election authorities, in sufficient quantities for distribution to the public. Each Voter Registration Application so produced shall conform to the measurements, paper weight, color and layout, and shall reproduce verbatim the text set forth in Exhibit A of this Part.

g) Voter Registration Applications made available to the general public to be returned by mail to the election authority shall be placed in holders or dispensers bearing the uniform logo designed for the purpose by the State Board of Elections. Control numbers assigned by the election authority may be added to Voter Registration Applications distributed to the general public, but no such control number shall be assigned to any Voter Registration Application supplied by the

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election authority to a designated registration agency, a township supervisor, or a county commissioner. Voter Registration Applications offered to the general public to be returned by mail must bear the mailing address of the election authority having jurisdiction over the place where the form dispenser is located. Whenever an election authority receives a Voter Registration Application for an applicant who does not reside in the election authority's jurisdiction, the election authority shall forward, within three days after its receipt, the Voter Registration Application to the election authority for the place where the applicant resides. The election authority shall include with the forwarding a transmittal notice of the kind identified in Appendix C of this part. The election authority receiving such a transmittal application shall treat the application as if it had been originally filed with the receiving election authority. The postmark on the application or date of the application's receipt by the transmitting election authority shall determine the voter's eligibility to vote in the next ensuing election.

- b) Election authorities shall limit the number of the National Mail Voter Registration Booklets supplied to an organization conducting a voter registration drive to 50. Requests for the National Mail Voter Registration Booklet in quantities exceeding 50 shall be referred to the State Board of Elections, which shall prior to filling the request, require the organization making such request to submit in writing a copy of its plan to distribute the booklets, including the states in which the organization intends to distribute the Booklets and the quantities to be distributed in each state. The State Board of Elections shall deny the request if such a written plan is not submitted, and shall substitute the Voter Registration Application for any quantities of the National Mail Voter Registration Booklet intended for distribution in Illinois. The State Board of Elections shall charge the requesting party the actual cost of reproducing the National Mail Voter Registration Booklet for any quantities requested over 200.

Section 216.70 Processing Voter Registration Applications

- a) The State Board of Elections shall, and all persons accepting from applicants Voter Registration Applications are encouraged to, transmit executed Applications to the election authority:
- 1) not more than ten days after execution, if executed five days or more prior to the date upon which voter registration closes, or
 - 2) not more than five days after execution, if executed less than five days prior to the date upon which registration closes but prior to the close of registration.
- b) Applications arriving prior to the close of registration at an election authority unaccompanied by a Voter Registration Application Transmittal shall, for the purpose of first time voting only, be

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deemed to be applications received by mail, and all applicants whose applications are so transmitted shall be advised that they will be required to vote in person at the first election in which they vote.

c) A Voter Registration Application may be executed while voter registration is closed, but in such case such application shall not entitle the applicant to vote at an election held before registration reopens. Applications bearing no postmark arriving by mail not later than five days after the close of registration shall be deemed to have been filed prior to the close of registration. Applications arriving by mail after the close of registration, but bearing a postmark earlier than the day upon which registration closed shall be deemed to have been filed prior to the close of registration no matter when actually received. Applications which arrive by mail bearing a postmark later than the day upon which registration closed shall not be deemed to have been filed prior to the close of registration no matter when actually received.

- d) The State Board of Elections shall assign to each township supervisor, county commissioner in counties not under township organization, and designated agency a block of document control numbers, the identity of which block shall be confidential, which such entities may use on each Voter Registration Application Transmittal accompanying batches of Applications sent to election authorities.

e) Every Voter Registration Application Transmittal shall note on its face how many applications are being transmitted, a document control number from the block assigned to the entity submitting the Voter Registration Application Transmittal, identified in subsection (d) of this Section, and the date of transmittal.

- f) Every application received by an election authority shall be examined to determine if the information contained on the application is sufficient on its face to cause the applicant to be listed among the voters of the jurisdiction, or if the application duplicates a record on the Voter Registration Card already on file with the election authority.

- 1) if the application duplicates a record already on file with the election authority, the applicant shall be sent a forwardable Disposition of Registration notice advising the voter that he or she is already registered and ineligible to vote;
- 2) if the information is insufficient, the election authority shall send the applicant a forwardable Disposition of Registration notice advising the applicant:
 - A) that his or her application has been rejected, identifying the reason for rejection, and
 - B) that he or she will not be entitled to vote until a new and sufficient application has been received by the election authority.

Section 216.80 Documenting Transactions

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- a) Each election authority shall generate and keep the following information from the registration activities it conducts:
- 1) the total number of Voter Registration Applications and Voter Registration Cards received, from whatever source, between the two immediately past federal elections, excepting those Voter Registration Applications and Voter Registration Cards which are deemed duplicates, are rejected or report only changes of address;
 - 2) the total number of Voter Registration Applications received from the Secretary of State between the two immediately past federal elections, and the total number of these applications which are duplicates of already existing registrations;
 - 3) the total number of Voter Registration Applications received by mail between the two immediately past federal elections, and the total number of these applications which are duplicates of already existing registrations;
 - 4) the total number of Voter Registration Applications received from each office of a designated agency, township supervisor or county commissioner between the two immediately past federal elections, and the total number of these applications which are duplicates of already existing registrations;
 - 5) the total number of Voter Registration Applications received from each office of armed forces personnel registering voters between the two immediately past federal elections, and the total number of these applications which are duplicates of already existing registrations;
 - 6) the total number of Voter Registration Applications and Voter Registration Cards received from any other source not specifically enumerated in subsections (a)(2) through (5) of this Section, by source, between the two immediately past federal elections, and the total number of these applications and registration cards which are duplicates of already existing registrations;
 - 7) the total number of Voter Registration Applications canceled, for whatever reason, between the two immediately past federal elections;
 - 8) the number of name and address confirmation forms mailed out between the two immediately past federal elections, and the number of responses thereto; and
 - 9) the postal costs incurred between the two immediately past federal elections for all mailings required to satisfy requirements of 42 U.S.C. 1973gg et seq.
- b) "By mail", for purposes of this Section, excludes those applications transmitted by the Secretary of State, designated agencies, township supervisors and county commissioners, and armed forces personnel registering voters, even though applications arrive by means of the United States Postal Service.
- c) The data required to be kept by this Section may be kept in electronic

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or paper copy format.

Section 216.90 Voting

- a) Voters shall vote at the polling place for the precinct where they reside, except that:
- 1) a voter who moves without notice to the election authority to a different residence still within the same election jurisdiction (territory under the control, for voting and registration purposes, of an election authority) as the place from which he or she moved shall vote for the first time he or she offers to vote after changing residence in the polling place for the residence from which the voter most recently registered, and thereafter in the polling place for the voter's present residence;
 - 2) such voters are entitled by this Part to vote for federal offices only (However, those persons may be entitled by the Election Code to vote for other offices; see, for example, 10 ILCS 5/6-27 and 6-33.); and
 - 3) subject to the requirements of subsection (c) of this Section, any voter otherwise qualified to vote an absentee ballot may vote by absentee ballot.
- b) The election authority shall transfer the record or registration card, as the case may be, of each voter described in subsection (a)(1) of this Section to the blinder for the precinct encompassing the voter's place of residence immediately after the first election at which the voter offers to vote after changing residence, making such transfer on the record as necessary to bring the information contained on it current, and thereafter the voter shall vote in the precinct polling place for the new residence.
- c) An applicant who has submitted a Voter Registration Application by mail must vote in person at the first election at which he or she votes after his or her application is acknowledged unless the voter is entitled to cast an absentee ballot under the provisions of Article 20 of the Illinois Election Code or is eligible to vote an absentee ballot by any pertinent federal statute or law. Voting in person includes in-person absentee voting, nursing home voting and hospitalized voters voting under the provision of Section 19-13 of the Election Code [10 ILCS 5/19-13].
- d) An absentee voter voting under the provisions of subsections (a) (1) through (3) of this Section shall also complete an Address Correction for Mail Safe Voters. A Mail Safe Voter is a voter who votes under the provisions of subsection (a)(1) of this Section.

Section 216.100 Designation of Chief State Election Official

- a) This Section implements Section 10 of the National Voter Registration Act of 1993 (42 U.S.C. Section 1973gg-8).
- b) The Executive Director of the Illinois State Board of Elections is

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designated as the Chief State Election Official for the purposes of the National Voter Registration Act of 1993.

c) The Executive Director of the State Board of Elections may issue such opinions or directions as he or she deems necessary to insure that the National Voter Registration Act of 1993, the order of the Circuit Court of Cook County issued May 1, 1996 in *Ort. et al., v. Edgar*, et al., and this Part are implemented uniformly throughout Illinois.

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Section 216. EXHIBIT A Voter Registration Application-Illinois

ILLINOIS VOTER REGISTRATION APPLICATION
YOU CAN USE THIS FORM TO:

- change your name on your registration record
- change your address on your registration record
- change your name (change due to marriage, etc.)

TO COMPLETE THIS FORM:

- Fill in the information requested on the form. Print your name, date of birth, sex, race, and address. If you are a voter, print your voter ID number. If you are not a voter, print your driver's license number or your Social Security number.
- Sign 3. If you have never registered before, sign "None". If you have registered before, sign "Illinois".
- Sign 4. If you have never registered before, sign "None". If you have registered before, sign "Illinois".
- Sign 5. If you have never registered before, sign "None". If you have registered before, sign "Illinois".

IF YOU HAVE NO STREET ADDRESS, APPROXIMATE YOUR HOME ADDRESS BY THE FOLLOWING:

- Sign 6. If you have never registered before, sign "None". If you have registered before, sign "Illinois".
- Sign 7. If you have never registered before, sign "None". If you have registered before, sign "Illinois".
- Sign 8. If you have never registered before, sign "None". If you have registered before, sign "Illinois".

W _____ E _____
N _____ S _____

FOR U.S. CITIZENS ONLY
YOU CAN USE THIS FORM TO:

- change your name on your registration record
- change your address on your registration record
- change your name (change due to marriage, etc.)

TO REGISTER YOU MUST

- be a United States citizen
- be at least 18 years old on or before the next election
- live in your election precinct at least 30 days before the next election
- not be convicted of a crime
- not claim the right to vote anywhere else

DECLINE INFORMATION:

- If you do not receive a response within 30 days of the date of the election, you may request a hearing before the State Board of Elections.
- If you do not receive a response within 30 days of the date of the election, you may request a hearing before the State Board of Elections.
- If you do not receive a response within 30 days of the date of the election, you may request a hearing before the State Board of Elections.

IMPORTANT INFORMATION:

- If you register by mail, the first time you vote must be in person.
- If you register by mail, you must sign the form and have it signed by a witness.
- If you register by mail, you must sign the form and have it signed by a witness.

PRINT CLEARLY OR TYPE IN BLACK OR BLUE INK

1. Last Name _____ First Name _____ Middle Initial _____
2. Address where you live (do not use a P.O. box) _____
3. Former registration address (house, city and state) _____
4. Date of Birth _____ Sex _____
5. Date of Civil Death _____
6. Voter Affidavit - Read all statements and sign within 30 days of the date of the election. I am a citizen of the United States. I will be at least 18 years old on or before the next election. I will have lived in the State of Illinois at any time during the 30 days before the date of the next election. All of the above information is true. I understand that if I provide false information, I may be fined up to \$5,000 and/or imprisoned for 2 to 5 years.
7. Full Social Security No. (Do not include the hyphen) _____
8. Signature _____
9. If you cannot sign your name, ask the person who helped you to fill in this form to print their name, address and telephone number. _____
10. Signature of _____
11. Signature of _____
12. Signature of _____
13. Signature of _____
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99. Signature of _____
100. Signature of _____

STATE BOARD OF ELECTIONS
NOTICE OF ADOPTED RULES

YOUR ADDRESS

back of SBE No. R-19

PUT
FIRST
CLASS
STAMP
HERE

MAIL TO:

PCT	WARD	CODE	ADDRESS	CITY	ZIP	COUNTY	DATE	CLERK
CHANGE OF ADDRESS								
SUSPENSION, CANCELLATION AND REINSTATEMENT								
DATE	EXPLAIN	CLERK	DATE	EXPLAIN	CLERK			
For Primary rules: <input type="checkbox"/> For General: <input type="checkbox"/> For Municipal: <input type="checkbox"/> For School: <input type="checkbox"/> For Judicial: <input type="checkbox"/> For Other: <input type="checkbox"/>								

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Revised Oct. 1996
SBE No. R-19A

First Name		Middle Name or Initial		Last Name		Signature (Print Name)		Office Use	
1. Last Name		2. Middle Name or Initial		3. Last Name		4. Signature (Print Name)		5. Office Use	
6. Address (Print Name)		7. City/Town/Village		8. State		9. Zip Code		10. County	
11. Former Registration Address (Print Name)		12. City/Town/Village		13. State		14. Zip Code		15. County	
16. Date of Birth (MM/DD/YYYY)		17. Sex (M/F)		18. Telephone Number (Area Code)		19. Full Social Security No. (Print & Explain any)		20. This is my signature or mark in the space below	
21. Voter Affidavit - Read all statements and sign within 10 days of the election. I am a citizen of the United States.		22. I am at least 18 years old on or before the next election.		23. I am a resident of the State of Illinois and in my residence for at least 30 days before the date of the next election.		24. All of the above information is true. I understand that if I provide false information, I may be fined up to \$5,000 and/or jailed for 2 to 3 years.		25. Date	
26. If you cannot sign your name, ask the person who helped you fill in the form to print your name, address and telephone number.									

Signature of Voter

First Address

Notes

PCT	WARD	CODE	ADDRESS	CITY	ZIP	COUNTY	DATE	CLERK
CHANGE OF ADDRESS								
SUSPENSION, CANCELLATION AND REINSTATEMENT								
DATE	EXPLAIN	CLERK	DATE	EXPLAIN	CLERK			
For Primary rules: <input type="checkbox"/> For General: <input type="checkbox"/> For Municipal: <input type="checkbox"/> For School: <input type="checkbox"/> For Judicial: <input type="checkbox"/> For Other: <input type="checkbox"/>								

Person's Name

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MAIL REGISTRATION CARD SPECIFICATIONS

(21b Exhibit A)

STOCK 1101b CARD OR COMPARABLE STOCK

COLOR

WHITE

SIZE

5" x 8"

TYPEFACE

SIMPLE SANS SERIF, 7 AND 8 PT

AS MANDATED BY PUBLIC LAW 103-31, THE FOLLOWING INFORMATION MUST BE PRINTED IN THE SAME TYPEFACE (ONLY THIS MATERIAL WILL BE PRINTED IN THE 8 PT TYPEFACE). THE BULLETED INFORMATION IN THE INSTRUCTIONS SECTION ENTITLED "TO REGISTER YOU MUST" AND "IMPORTANT INFORMATION" AND THE INFORMATION ON THE REGISTRATION FORM #8 "VOTER AFFIDAVIT"

SEAL

PULL OFF ADHESIVE TAPE

BOTTOM EDGE

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Section 216, EXHIBIT B Voter Registration Information

If you are not registered to vote where you live now, would you like to apply to register here today?

(Public assistance agencies provide the following: Applying to register or declining to register will not affect the amount of assistance that you will be provided by this agency.)

IF YOU DO NOT CHECK EITHER BOX YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.

☐ YES ☐ NO

Print name

Birth

day

year

date

(Sign here)

COMPLAINT INFORMATION

If you believe that someone has interfered with your right to register or decline to register to vote, your right to privacy in voting, or your right to apply for assistance in voting, please file a complaint with Ronald D. Michelson, Executive Director, State Board of Elections, 1020 South La Salle Street, Springfield, Illinois 62764-2399 (217) 782-4141 or TDD (217) 782-1518.

(Half 8 1/2" x 11" Sheet)

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Marked
July, 1995
SBE No. R-24

If you would like help filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application in private.

All information will remain confidential and will be used only for voter registration purposes. Any information necessary to register to vote and/or information regarding the office to which the application was submitted will remain confidential, to be used only for voter registration purposes.

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NOTICE OF ADOPTED AMENDMENT(S)

Section 216. EXHIBIT C Voter Registration Application Transmittal

Suggested
July 1995
SBE No. R-25

**VOTER REGISTRATION APPLICATION
TRANSMITTAL**To: _____ Date _____
Election OfficeFrom: _____
Agency Office Number or Designation

Number of Voter Registration Applications Enclosed: _____

Comments: _____

_____**(To be completed by Election Authority)**

Date Received: _____

Number of Applications Received: _____

Number of Duplicate Registrations in Group: _____

Number of Incomplete Applications: _____

Problems or Other Comments: _____

White Copy - Election Authority

Yellow Copy - Agency

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT(S)

TRANSMITTAL FORM SPECIFICATIONS

PRINT AS TWO PART SELF DUPLICATING FORM

Bottom of original - "Election Authority Copy"

Bottom of second sheet - "Agency Copy"

SIZE 8-1/2" x 11"

STATE BOARD OF ELECTIONS
NOTICE OF ADOPTED RULES

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STATE BOARD OF ELECTIONS
NOTICE OF ADOPTED AMENDMENT(S)
Section 216, EXHIBIT D Disposition of RegistrationMandated
by Public Act
97-0005
SBE No. R23

DISPOSITION OF REGISTRATION
(Application Rejected)

YOUR APPLICATION TO REGISTER TO VOTE HAS BEEN REFUSED FOR
THE REASONS INDICATED BELOW. YOU MUST REAPPLY TO BE
ENTITLED TO VOTE.

Address could not be verified.

Application incomplete.

Application rejected because

Other

BACK

4 x 6

For questions about this notice call

County Clerk or
Board of Election Commissioners

Date _____
Phone No. _____ELECTION OFFICIAL
STATE BOARD OF ELECTIONS
CITY OF SPRINGFIELD
CITY ST 00000-0000FIRST CLASS MAIL
PERMIT NO. 1000
ANYTOWN, STATE

FRONT

4 x 6

OFFICIAL ELECTION MATERIAL

Non-Address Data
Name of Recipient
Attention Attention Line
Delivery Address
Post Office (City) State Zip Code

STATE BOARD OF ELECTIONS
NOTICE OF ADOPTED RULES

Section 216. EXHIBIT B Voter Identification Card

Suggested
Revised July, 1995
SBE No. R-15

VOTERS CERTIFICATE OF REGISTRATION
(DISPOSITION OF REGISTRATION)

I hereby certify that the person whose name and address appears below is a registered voter.

County Clerk/Exec. Director _____
Jurisdiction _____
Precinct _____
Name _____
Street No. _____
Apt. No. _____
City _____
State _____
Zip _____
Date Issued _____

(RETAIN THIS CARD)

Polling Place _____
CONG. _____ LEG _____ REP _____ CO BD _____
City/Village _____
PCT _____
WARD _____ TWP _____
Elem. Sch. Dist. _____
Comm. Coll. Dist. _____
Sanitary Dist. _____
Fire Dist. _____
Park Dist. _____
Cem. Dist. _____
Judicial District _____
Judicial Circuit _____

(DO NOT DETACH)

SUGGESTED VOTER ID CARD

10 ILCS 5/4-15, 5-21, 6-57

STATE BOARD OF ELECTIONS
NOTICE OF ADOPTED RULES

For Information Regarding Elections:
Voter Registration Contact _____
Name of Election Authority _____
Address _____
City _____
State _____
Zip _____
Telephone _____

If you move to another address within _____
print your new address, sign your name and mail to _____
Voters changing their names must _____
(Required)

New Address _____ Twp _____ Pct _____
Street Address _____
or RFD No. _____
If RFD include County House No. _____
City _____
State _____
Zip _____
Date Moved _____
Signature _____

(Change of Address cannot be accepted in the 28
Days Preceding an Election)

SUGGESTED VOTER ID CARD

SBE No. R-15 Reverse Side

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED RULES

Section 216, EXHIBIT P Confirmation of Address

USE OF THIS CARD IS REQUIRED FOR ALL REGISTERED VOTERS TO CONFIRM THEIR ADDRESS.

POSTAGE WILL BE PAID BY ADDRESSEE

POSTAGE WILL BE PAID BY ADDRESSEE

CONFIRMATION OF ADDRESS

1. OUR RECORDS INDICATE THAT YOU HAVE MOVED TO _____
2. To confirm this information, complete and return the postcard at the bottom, not later than _____
3. This new address has been entered in your voter registration record. Your new precinct is _____
4. WE HAVE NOT BEEN ABLE TO CONFIRM YOUR ADDRESS
5. Please complete and return the postcard at the bottom, not later than _____
6. If this card is not returned, you may be required to confirm your address before being permitted to vote in a future election. If this card is not returned and you fail to vote during the period beginning on the date of this card for the date of the second general election that occurs after the date of the notice, your registration will be terminated.
7. IF YOU HAVE MOVED TO AN ADDRESS OUTSIDE OF _____ JURISDICTION
8. If you wish to remain in the County, City or Board of Election Commission's where you live, (Confirm your jurisdiction.)

POSTAGE WILL BE PAID BY ADDRESSEE

POSTAGE WILL BE PAID BY ADDRESSEE

POSTAGE WILL BE PAID BY ADDRESSEE

OFFICIAL ELECTION MATERIAL

ELECTION OFFICIAL
ELECTION OFFICE
STATE BOARD OF ELECTIONS
CITY, ST 00000-0000

POSTAGE WILL BE PAID BY ADDRESSEE

POSTAGE WILL BE PAID BY ADDRESSEE

Date of Birth, No. 1-21

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED RULES

POSTAGE WILL BE PAID BY ADDRESSEE

POSTAGE WILL BE PAID BY ADDRESSEE

ELECTION OFFICIAL

ELECTION OFFICE
STATE BOARD OF ELECTIONS
CITY, ST 00000-0000

POSTAGE WILL BE PAID BY ADDRESSEE

POSTAGE WILL BE PAID BY ADDRESSEE

POSTAGE WILL BE PAID BY ADDRESSEE

OFFICIAL ELECTION MATERIAL

NON-ADDRESS DATA
NAME OF RECIPIENT
INFORMATION/ATTENTION LINE
DELIVERY ADDRESS
POST OFFICE (CITY) STATE ZIP CODE

PLEASE CHECK ONE ☐ NEW ADDRESS ☐ SAME ADDRESS

PRINT FULL NAME
(Include middle name)

DATE OF BIRTH

SOCIAL SECURITY NUMBER
(Last four numbers only)

TELEPHONE NUMBER (Optional)

MY ADDRESS IS

SIGNATURE

(Date)

*All of the above information is true. I understand that if it is not true, I can be convicted of perjury and fined up to \$5,000 and/or imprisoned for 2 to 5 years.

4.3.6

4.3.6

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED RULES

Section 216. EXHIBIT G Registration Deadline Notice

Suggested
December, 1995
SBE No. F-28

FRONT
4 x 6
postcard

REGISTRATION DEADLINE NOTICE

Registration for the upcoming election closed on _____ Your registration application is not valid for the upcoming election.

Following the election, the application will be processed and you will receive a voter identification card.

(Name of Election Authority)

BACK

Election Authority
Election Office
Street Address or P.O. Box
City, ST 00000-0000

OFFICIAL ELECTION MATERIAL

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED RULES

Section 216. EXHIBIT H Address Correction for Fail Safe Voter

Board Rule

Mandated
December, 1995
SBE No. C-6

ADDRESS CORRECTION FOR FAIL-SAFE VOTER

☐ FEDERAL BALLOT ONLY

- Voters who change residence . another address within Election Authority's jurisdiction.
- Voting in former residence polling place or when applying for absentee ballot

Social Security Number (last four numbers) _____

Date of Birth: _____

Voter's Full Name (Please Print): _____

Current Address: _____

City/Village _____ Zip Code _____

Former Address: _____

City/Village _____ Zip Code _____

Date _____

Signature of Voter or Mark _____

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Riverboat Gambling

2) Code Citation: 86 Ill. Adm. Code 3000

3) Section Numbers:

3000.100 Amended
3000.102 New
3000.103 New
3000.104 New
3000.110 Amended
3000.120 Amended
3000.140 Amended
3000.160 Amended
3000.180 Amended
3000.231 Amended
3000.234 New
3000.245 Amended
3000.270 Amended
3000.271 New
3000.280 Amended
3000.281 Repeal
3000.282 Repeal
3000.283 Repeal
3000.284 New
3000.400 Amended
3000.405 Amended
3000.415 Amended
3000.420 Amended
3000.424 New
3000.600 Amended
3000.602 New
3000.605 Amended
3000.606 New
3000.625 Amended
3000.635 Amended
3000.640 Amended
3000.660 Amended
3000.665 Amended
3000.666 New
3000.670 Amended
3000.720 Amended
3000.725 New
3000.800 Amended
3000.810 Amended
3000.830 Amended
3000.840 Amended
3000.900 Amended
3000.910 Amended

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

3000.1020 Amended
3000.1030 Amended
3000.1040 Amended
3000.1050 Amended
3000.1070 Amended
3000.1071 Amended
3000.1072 Amended
3000.1110 Amended
3000.1115 Amended
3000.1120 Amended
3000.1126 Amended
3000.1136 Amended
3000.1139 Amended
3000.1139 New
3000.1155 Amended

4) Statutory Authority: Riverboat Gambling Act, 230 ILCS 10

5) Effective Date of Amendments: April 1, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes The incorporation by reference is in Section 3000.100 under the definition of "Institutional Investor."

8) Date Filed in Agency's Principal Office: March 28, 1997

9) Notice of Proposal Published in Illinois Register: August 9, 1996; 20 Ill. Reg. 10439

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: Editing and technical changes were accepted in accordance with suggestions made by the Administrative Code Unit and JCAR. Other changes were made by the agency pursuant to public comment and agreement with JCAR.

In Section 3000.100, in the definition of "Chip Float," "vendor" was changed to "vendors". In the definition of "Gaming Equipment/Supplies," "live table Games" was changed to "Live Gaming Devices." In the definition of "Individual Investor," "3205" was changed to "230.144A." In each of the paragraphs under "Key Person," "or individual" was changed to "and any person identified by the Board as a person." The definition of "Related Party" was deleted in its entirety. In the definition of "Theoretical Payout Percentage," the phrase "is expected to be returned" was changed to "will be returned to players," and the phrase "during any industry-accepted cycle of Games played" was deleted. In the definition

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

of "Token Float," "the vendor," was changed to "vendors."

In Section 3000.102, "and not prohibited by the Act" was added at the end of subsection (b), and in subsection (d) "shareholder's or participant's" was changed to "person's."

All of Section 3000.105 was deleted, and conforming changes were made in the index.

In Section 3000.110(a)(6), "that" was changed to "designed to," and subsection (a)(9) was shortened and clarified to read: "Aiding and abetting a violation by a Board member or employee, or other government official, of ethical requirements established by statute, resolution, ordinance, personnel code or code of conduct."

In Section 3000.140(b), "licensee" was changed to "licensees," "disclose all" was changed to "periodically disclose, on forms provided by the Board" and everything from "both oral" through the end of subsection (b) was changed to read as follows:

- 1) Lobbying, legal services, financial consulting services, and management consulting services;
- 2) Accounting, data processing and other financial and administrative services;
- 3) Construction contracts;
- 4) Agreements with or involving Key Persons and relatives of Key Persons;
- 5) Agreements to sell, grant, gift, pledge, hypothecate or otherwise transfer or share an ownership interest or interests in a holder of an Owner's license;
- 6) Agreements to sell, grant, gift, pledge, hypothecate or otherwise transfer or share stock options, warrants, stock appreciation rights or agreements in lieu thereof, relating to an ownership interest or interests or benefits of such ownership interest or interests in a holder of an Owner's license."

In Section 3000.140(c), "disclose changes required under" was changed to "meet the requirements of."

In Section 3000.160, by deleting "a patron of a Riverboat Gaming Operation," in the first sentence, and by inserting the following between the first and last sentences: "The holder of an Owner's or Supplier's license, or an Occupational license, Level 1, shall also cause to be reported to the Administrator or his designee any facts the licensee has reasonable grounds to believe indicate a violation has been committed by a patron of a Riverboat Gaming Operation of Article 28 of the Criminal Code of 1961 [720 ILCS 5/28] or the Act, or indicate the commission of any

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

other crime by a patron while on the premises of the Owner Licensee."

In Section 3000.231(a), "or are not otherwise inconsistent with the purposes of the Act or the rules" was changed to "and do not violate the Act, this Part or orders." In subsection (a)(4) "purposes and" was deleted.

In Section 3000.234(a), "in association" was changed to "jointly," and "its parent" was changed to "a licensee's publicly-traded parent corporation." In Section 3000.234(b), "in association" was changed to "jointly," "its parent" was changed to "a licensee's publicly-traded parent," and "provided by the Gaming Board," was inserted after "Disclosure Form." In subsection (c) of Section 3000.234, "as soon as it becomes aware of an ownership association" was changed to "as soon as it is possible after it become aware that it or its parent is involved in an ownership acquisition by an Institutional Investor."

In Section 3000.602, "but" was changed to ". Such jackpot or winnings," and a new sentence was inserted at the end of the Section, to read as follows: "The Board shall treat such payments as winnings for the purposes of wagering tax liability calculations."

The first sentence of Section 3000.606 was changed in part to italics and the statutory citation was added.

In subsection (c)(1) of Section 3000.640, "non-Gaming" was deleted, and a new subsection (c)(4) was inserted to read as follows: "The prior written approval for the redemption of the Chips or Tokens is obtained in each instance from the Administrator."

In Section 3000.660(d)(1), in the second sentence "either that a Progressive Jackpot is to be paid or indicating" was inserted after "indicating," and in subsection (d)(4)(B) "these rules" was changed to "subsection (d)(3) of this Section."

In Section 3000.666(b), "separate accounting facility of the Riverboat Gaming Operation" was changed to "cashier cage area on board the Riverboat."

In Section 3000.1050(c)(3), "personal" was inserted between the words "cash" and "checks."

In Section 3000.1030(g), "Securities and Exchange Act of 1933 or 1934" was changed to "Securities Act of 1933 or the Securities Exchange Act of 1934."

In Section 3000.1072, after "equivalents," the phrase "a cash reserve in" was added.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the agency and JCRC been made as indicated in the agreement letter issued by JCRC? Yes

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: These amendments are a comprehensive revision of Board policies and rules intended to strengthen regulation, address specific Board concerns and industry developments, and conform with current practices. Defined terms have been revised, added and eliminated. Provisions have been added pertaining to organization and rulemaking. The rule on disciplinary actions has been clarified and new elements have been added. Specific details have been included in the rule on a licensee's duty to disclose information, and a licensee's duty to report misconduct has been expanded. New or amended provisions are included on distributions, ownership by institutional investors, temporary identification badges, disposal of gaming equipment, gaming positions, illegal winnings, hearings and audits. There are in addition many technical changes to sections of the Board's rules that have not been amended since their original adoption in 1991.

16) Information and questions regarding these adopted amendments should be directed to:

Mareile B. Cusack
Chief Counsel
Illinois Gaming Board
160 N. LaSalle, Suite 300S
Chicago, Illinois 60601
312/814-4700; FAX 312/814-4602

The full text of the adopted amendments begins on the next page.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARD

PART 3000
RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section	
3000.100	Definitions
3000.101	Invalidity
3000.102	Public Inquiries
3000.103	Organization of the Illinois Gaming Board
3000.104	Rulemaking Procedures
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate Job Applicants
3000.155	Investigatory Proceedings
3000.160	Owner's and Supplier's Duty to Report Misconduct
3000.161	Communication with Other Agencies
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
3000.180	Weapons on Riverboat

SUBPART B: LICENSES

Section	
3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.230	Owner's Licenses
3000.231	Distributions
3000.234	Acquisition of Ownership Interest By Institutional Investors
3000.235	Transferability
3000.236	Owner's License Renewal
3000.240	Supplier's Licenses
3000.245	Occupational Licenses
3000.250	Transferability of Licenses
3000.260	Waiver of Requirements
3000.270	Certification and Registration of Electronic Gaming Devices
3000.271	Analysis of Certified Electronic Gaming Devices
3000.280	Application and Registration of All for-att Gaming Devices
3000.281	Transfer of Registration (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

3000.282 Seizure of Gaming Devices (Repealed)
 3000.283 Analysis of Questioned Electronic Gaming Devices (Repealed)
 3000.284 Disposal of Gaming Devices

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section
 3000.300 General Requirements - Internal Control System
 3000.310 Approval of Internal Control System
 3000.320 Wisconsin Standards for Internal Control Systems
 3000.330 Review of Procedures (Repealed)
 3000.340 Operating Procedures (Repealed)
 3000.350 Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL, RESTRICTION OF LICENSE OR PLACEMENT ON EXCLUSION LIST

Section
 3000.400 Coverage of Subpart
 3000.405 Requests for Hearings
 3000.410 Appearances
 3000.415 Discovery
 3000.420 Motions for Summary Judgment
 3000.424 Subpoena of Witnesses
 3000.425 Proceedings
 3000.430 Evidence
 3000.431 Prohibition on Ex Parte Communication
 3000.435 Sanctions and Penalties
 3000.440 Transmittal of Record and Recommendation to the Board
 3000.440 Status of Applicant for License or Transfer Upon Filing Request for Hearing

SUBPART E: EXCURSIONS

Section
 3000.500 Time of Excursion
 3000.510 Excursions During Cancelled or Disrupted Cruises; Violations and Fines

SUBPART F: CONDUCT OF GAMING

Section
 3000.600 Wagering Only with Approved Chips, Tokens and Electronic Cards
 3000.602 Disposition of Unauthorized Winnings
 3000.605 Authorized Games
 3000.606 Gaming Positions
 3000.610 Publication of Rules and Payout Ratio for Live Gaming Devices
 3000.614 Tournaments, Enhanced Payouts and Give-aways

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3000.615 Payout Percentage for Electronic Gaming Devices
 3000.616 Cashing-in of Chips for Review and Approval
 3000.620 Submission of Chips for Review and Approval
 3000.625 Chip Specifications
 3000.630 Prizes, Securities and Reserve Sets of Gaming Chips
 3000.635 Issuance, Security Tokens for Gaming in Electronic-Gaming-Devices
 3000.640 Distribution of Coupons for Complimentary Chips and Tokens
 3000.645 Exchange of Chips and Tokens
 3000.650 Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
 3000.655 Inventory of Chips and Tokens
 3000.660 Destruction of Chips and Tokens
 3000.665 Minimum Standards for Electronic Gaming Devices
 3000.665 Integrity of Electronic Gaming Devices
 3000.666 Bill Validator Requirements
 3000.670 Computer Monitoring Requirements of Electronic Gaming Devices

SUBPART G: EXCLUSION OF PERSONS

Section
 3000.700 Duty to Exclude
 3000.710 Distribution and Availability of Exclusion Lists
 3000.720 Criteria for Exclusion or Ejection and Placement on an Exclusion List
 3000.725 Duty of Licensees
 3000.730 Procedure for Entry of Names
 3000.740 Petition for Removal from Exclusion List

SUBPART H: SURVEILLANCE AND SECURITY

Section
 3000.800 Required Surveillance Equipment
 3000.810 Riverboat Security and Board Surveillance Room Requirements
 3000.820 Segregated Telephone Communication
 3000.830 Surveillance Security Logs
 3000.840 Storage and Retrieval
 3000.850 Dock Site Board Facility
 3000.860 Maintenance and Testing

SUBPART I: LIQUOR LICENSES

Section
 3000.900 Liquor Control Commission Commissioner
 3000.910 Liquor Licenses
 3000.920 Disciplinary Action
 3000.930 Hours of Sale

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section
3000.1000 Ownership Records
3000.1010 Accounting Records
3000.1020 Standard Financial and Statistical Records
3000.1030 Annual and Special Audits and Other Reporting Requirements
3000.1040 Accounting Controls Within the Cashier's Cage
3000.1050 Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
3000.1060 Handling of Cash at Gaming Tables
3000.1070 Tips or Gratuities
3000.1071 Deposits of Admission Tax and Wagering Tax
3000.1072 Cash Reserve Requirements

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section
3000.1100 Coverage of Subpart
3000.1105 Duty to Maintain Suitability
3000.1110 Board Action Against License or Licensee
3000.1115 Complaint
3000.1120 Appearances
3000.1125 Answer
3000.1130 Appointment of Hearing Officer
3000.1135 Discovery
3000.1140 Motions for Summary Disposition
3000.1145 Subpoena of Witnesses
3000.1150 Evidencing
3000.1155 Prohibition of Ex Parte Communication
3000.1160 Sanctions and Penalties
3000.1150 Transmittal of Record and Recommendation to the Board
3000.1155

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act (230 ILCS 10).

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective APR 6 1997.

SUBPART A: GENERAL PROVISIONS

Section 3000.100 Definitions

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

For purposes of these Rules the following terms shall have the following meanings:

"Act": The Riverboat Gambling Act. (1111-Rev-Stat-1991-ch-129, para-2401-et-seq) [230 ILCS 10].

"Affiliate": An "Affiliate of", or person "Affiliated with", a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such Person.

"Alcoholic liquors": Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

"Attributed Interest": A direct or indirect interest in a Business Entity business-entity deemed to be held by a person not through the person's actual holdings but either through the holdings of the person's relatives or through a third party or parties on behalf of the person pursuant to a plan, arrangement or agreement.

"Baccarats": A card game played with a deck or multiple decks of cards dealt from a shoe. The highest game count possible is nine (9). The hand with the highest point count wins.

"Big Six": A wheel game (vertical) in which a player bets on the outcome of the wheel spin.

"Bills--Changers": Any mechanical, electrical, or other device contrivance or machine designed for the purpose of dispensing an amount of tokens or credits equal to the amount of currency inserted into the bills-changer system.

"Bill Validator": Any electro-mechanical device attached either on or into an Electronic Gaming Device which accepts and analyzes the legitimacy of United States currency, validates the currency, stores the currency, and issues Electronic Credits equal to the value of currency inserted into the device.

"Blackjack": See "Twenty-one".

"Board": The Illinois Gaming Board.

"Board--Surveillance-Room": A room or rooms on each Riverboat for the exclusive use of the Board for monitoring and recording of gaming and other activities.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"Business Entity": A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

"Chip": A non-metal or partly metal representative of value, redeemable for cash, and issued and sold by a holder of an Owner's license to use in Gaming other than in Electronic Gaming Devices on such holder's Riverboat or Riverboats.

"Chip Payout": The difference between the total face value of Chips received from vendors and the total face value of Chips accounted for through an inventory conducted by the Riverboat Gaming Operation.

"Creeps": A game in which dice are rolled to make different points or combinations.

"Dependent": Any individuals who received over half of his support in a calendar year from any other individual.

"Electronic Card": A card purchased from a holder of an Owner's license for use on that holder's Riverboat Gaming Operation as a substitute for Tokens in the conduct of gaming on an Electronic Gaming Device used for cash or cash equivalent.

"Electronic Credit": A value owed to a patron on an Electronic Gaming Device.

"Electronic Gaming Device": Includes as approved Games under Section 3000.605 Single-Position Real-Time, Single-Position Single-Game Video and Single-Position Multi-Game Video Electronic Gaming Devices.

"Electronic Gaming Device": Any mechanical, electrical, device or machine which upon payment of consideration is available to play or operate, operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive prizes, merchandise, tokens, redeemable game credits or anything of value other than nonredeemable free games whether the payoff is made automatically from the machines or in any other manner.

"Electronic Gaming Device Drop": The total face value of Tokens or representations of Tokens including without limitation foreign Tokens and slugs contained in collected from the drop bucket and United States currency collected from the Bill Validator drop box.

"Electronic Gaming Device Win": The Electronic Gaming Device Drop minus hand-paid Jackpots minus hopper fills plus hopper credits.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"EPROM": An microcircuit for Erasable, Programmable, Read Only Memory, which is a microcircuit component that stores memory and affects payout percentage and/or contains a random number generator that selects the outcome of a game on an Electronic Gaming Device.

"Excluded Person": Any person whose name appears on any Exclusion List, or any person whose name does not appear on an Exclusion List but who is excluded or ejected pursuant to Section 5(c)(12) of the Act or as a result of meeting one or more of the criteria in Section 3000.720 of these rules.

"Exclusion List": A list or lists which contain the identities of persons who are to be excluded or ejected from any licensed gaming operation in any jurisdiction. The list may include any person whose reputation or conduct is such that his presence within a Riverboat Gaming Operation may, in the opinion of the Board of Gaming Administration, call into question the honesty or integrity of the Gaming Gaming operation or pose a threat to the interests of the State of Illinois.

"Face": A card game played with a single fifty-two (52) card deck dealt by drawing cards face up from an open framed box.

"Game": A banking, wagering, gambling or percentage game or activity which is played for money, property, or anything of value, including without limitation those played with cards, Chips, Tokens, dice, implements, or electronic, electrical, or mechanical devices or machines.

"Gaming": The dealing, operating, carrying on, conducting, maintaining or exposing for play of any Game.

"Gaming Equipment/Supplies": A machine, mechanism, device, or implement which is integral to the operation of a Game or affects the result of a Game by determining win or loss, including without limitation electronic, electrical, or mechanical devices or machines, software, card or dice, layouts for live Gaming Devices, and any representative of value used with any Game, including without limitation Chips, Tokens, or Electronic Cards, electronic debt cards, and related hardware and software related to any item described herein.

"Gaming Operations Manager": A person or business entity other than the holder of an Owner's license to manage, direct or administer the responsibility to manage, direct or administer the conducting of Gaming.

"Give-Away": A game where patron entry to the game may be determined

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

by--attendance-on-a-~~riverboat~~--or--by--either--~~accumulation~~--of points/credity--or--the--attainment--of--a--certain--outcome--on--an Electronic-Gaming-Device.

"Hand": Either one game in a series, one deal in a card game, or the cards held by a player.

"Indirect Interest": An interest in a Business Entity business-entity that is deemed to be held by the holder of an Owner's license not through the holder's actual holdings in the business entity but through the holder's holdings in other business entities.

"Institutional Investor": A "qualified institutional buyer" as defined by Securities and Exchange Commission Rule 144A (17 CFR 230.144A) under the Securities Act of 1933, as amended.

"Internal Control System": Proprietary internal internal procedures and administration and accounting controls designed by the holder of an Owner's license for the purpose of exercising control over the Riverboat Gaming Operation.

"Junketeer": A person or entity who is compensated depending on how much a patron either wagers or loses on a determination by the holder of the Owner's license or Gaming Operation Manager as to the potential amount a patron will wager or lose on.

"Keno": A game in which a player selects anywhere from one (1) to twenty (20) numbers between one (1) and eighty (80). A winner is determined by an automatic device which randomly chooses twenty (20) numbers.

"Key Person":

For a publicly-held Business Entity subject to the Act, "Key Person" shall mean an officer, director, trustee, partner, managing agent, holder of any direct, indirect or beneficial ownership interest of 5% or more of a licensee or other entity subject to the Act; and any person identified by the Board as a person able to control or exercise significant influence over the management or operating policies of a licensee or other entity subject to the Act. An officer, director, trustee, partner, proprietor, or managing agent of, or a holder of, any direct or indirect, legal or beneficial interest, whose combined direct, indirect or attributed interest is 5% or more in a business entity.

For other than a publicly-held Business Entity subject to the Act, "Key Person" shall mean an officer, director, trustee,

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"Partner": managing agent, holder of any direct, indirect or beneficial ownership interest of a licensee or other entity subject to the Act; and any person identified by the Board as a person able to control or exercise significant influence over the management or operating policies of a licensee or other entity subject to the Act.

"Roulette": A roulette card game played with a single-fifty-two (52) card-deck.

"Live Gaming Device": Any non-electronic or non-electro-mechanical apparatus other than an Electronic Gaming Device, upon which gaming is conducted or which determines an outcome which is the object of a wager, used to gamble upon, including but not limited to roulette wheels and tables, blackjack table-top and poker tables. This definition includes but is not limited to roulette wheels, keno machines, punchboard tickets and tables with layouts utilized in games approved by the Board.

"Multiple-Action-Blackjack": A multi-hand (maximum 3) variation of the card game blackjack. The dealer uses a common up-card and players play two to three hands as in a normal blackjack game.

"Non-Value Chip": A chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation, but bearing no value designation.

"Notice of Board Action": A Notice of Denial, Restriction, Suspension, Revocation, Nonrenewal, Fine, or Exclusion of other action issued by the Board.

"Pat-Go-Poker": A card game using a standard fifty-two card-deck and one Joker. The player has a five-card high-hand and a two-card-low hand. The two hands of the player are compared to the two hands of the dealer.

"Payout": Winnings earned on a wager.

"Petitioner": An applicant, licensee, or Excluded Person who requests a hearing upon issuance of a Notice of Board Action.

"Poker": A card game played by a maximum of ten (10) players who are dealt cards by a non-player-dealer. The object of the game is for each player to be the superior of his own hand and win the hand. Players bet by either making a bet no other player is willing to match or proving to hold the most valuable cards after all the betting is over.

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"Progressive Controller": The hardware and software that controls all communications among the machines within a progressive Electronic Gaming Device link and its associated progressive meter.

"Progressive Jackpot": An award for winning play in a game, the value of which is determined by the contribution of a portion of each wager placed into play or the combined amount of several wagers linked to a common jackpot award. A value determined by a holder of an Owner's license and arrived at by income of independent local or interlinked Electronic Gaming Devices. This value shall be clearly displayed above the interlinked Electronic Gaming Device and metered incrementally by a Progressive Controller. A progressive machine must prominently display a manufacturer supplied glass indicating the current amount of a progressive jackpot is to be paid or indicating the current amount of the jackpot.

"Pushboard": A game in which a player selects a ship of paper or banded ticket which contains hidden from view symbols of probable number(s) that have been designated in advance as winners. This game may or otherwise be identified as Pushboard or Ticket Push Board or Number Ticket.

"Red Dog": A card game played with a standard fifty-two-card deck with each suit valued in a descending order. A, K, Q, J, 10, 9, 8, 7, 6, 5, 4, 3, 2. Bets are wagered on a layout in the appropriate corresponding areas. This game is often called Acey-Deucey or Sn-Deucey.

"Relative": Spouse, parents, grandparents, children, siblings, uncles, aunts, nephews, nieces, fathers-in-law, mothers-in-law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in-law, whether by the whole or half blood, by marriage, adoption or natural relationship, and Dependents.

"Riverboat Gaming Operation": The conducting of gaming and all related activities, including without limitation the purveying of food, beverages, retail goods and services, and transportation, on a Riverboat and at its Support Facilities.

"Roulette": A game played on a horizontal rotating wheel in which players can bet on which compartment a non-metallic ball may come to rest.

"Security Room": A room or rooms on each Riverboat for monitoring and recording of gaming and other activities by employees of the Riverboat Gaming Operation.

"Six-Boys": A dice game played with three dice contained in a sealed

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"Shaker-Bets are wagered on a layout showing all possible winning combinations."

"Signature": The definitive identity of an individual specific EPROM chip chip, determined by electronic analysis and reflective of the EPROM chip's chip's game behavior capability.

"Slot Machine": A type of Electronic Gaming Device.

"Sole Proprietor": A person who in his or her own name owns 100% of the assets and who is solely liable for the debts of a business.

"Supplier": Either a Gaming Operations Manager or a provider of Gaming Equipment, Gaming Equipment maintenance or repair services, security services or lessor of a Riverboat or dock facilities or a provider of any goods or services where payment is calculated by a percentage of a Riverboat Gaming Operation's revenues.

"Support Facility": A place of business which is part of, or operates in conjunction with, a Riverboat Gaming Operation and is owned in whole or in part by a holder of an Owner's or Supplier's license or any of their key persons, including without limitation on Riverboats, offices, docking facilities, parking facilities, and land-based hotels or restaurants.

"Table Drop": The total amount of cash or cash equivalents contained in the drop box for Chips purchased at a Live Gaming Device.

"Table Win": The dollar amount won by the holder of an Owner's License through play at a live game which is the total of the Table Drop plus ending Chip inventory plus credits minus opening Chip inventory minus fills.

"Theoretical Payout Percentage": The percentage of Tokens wagered which will be returned to players by an Electronic Gaming Device. The sum of the number of tokens expected to be paid as a result of jackpots divided by the number of different possible outcomes.

"Token": A metal representative of value, redeemable for cash only at the issuing Riverboat Gaming Operation, and issued and sold by a holder of an Owner's License for use in Gaming Electronic Gaming Devices.

"Token Dispenser": Any mechanical or electrical device designed for the purpose of dispensing an amount of Tokens equal to the amount of currency inserted into the device.

"Token Float": The difference between the total face value of Tokens

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received from vendors and the total face value of Tokens accounted for through an inventory conducted by the Riverboat Gaming Operation.

"Twenty-One": Twenty-one (blackjack) is a card game played with a single deck or multiple decks of cards dealt from a shoe. The player attempts to beat the dealer by obtaining a total equal to or less than twenty-one (21) so that his total is higher than the dealer's.

"Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation and the specific value of the Chip.

"Wager": A sum of money or thing of value risked.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 1 1993)

Section 3000.102 Public Inquiries

Requests for information from the Board shall be directed to the Board's Public Information Officer. All requests seeking information pursuant to the Illinois Freedom of Information Act (5 ILCS 140) or Section 5.1 of the Act must be made in writing and directed to the Board's Public Information Officer. A denial of a written request for information made pursuant to this Section may be appealed by submitting a written request for review to the Administrator. Data that will be disseminated includes but is not limited to the following:

- information the disclosure of which is required by Section 5.1 of the Act;
- information the disclosure of which is required by the Illinois Freedom of Information Act and not prohibited by the Act;
- information regarding the identities of beneficiaries of trusts that possess an ownership interest in the holder of an Owner's license, except where the beneficiary is a lineal descendant of or the spouse of a lineal descendant of the parents of the settlor of the trust. A lineal descendant shall include a step-child and an adopted child; and
- information regarding whether a person's ownership interest in the holder of an Owner's license exceeds five percent.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 1 1993)

Section 3000.103 Organization of the Illinois Gaming Board

The Board consists of five members who have been appointed to three year terms by the Governor with the advice and consent of the Senate. The Board holds a meeting at least once each quarter of the fiscal year. The Board appoints an Administrator who performs all duties assigned by the Board, including the daily administration of the Board's responsibilities. The Board may utilize

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the services of the Department of State Police to fulfill its responsibilities under the Act.

(Source: Added at 21 Ill. Reg. 4642, effective APR 1 1993)

Section 3000.104 Rulemaking Procedures

The Board's rules shall be promulgated in a manner consistent with the Illinois Administrative Procedure Act (5 ILCS 300) and the rules adopted thereunder.

(Source: Added at 21 Ill. Reg. 4642, effective APR 1 1993)

Section 3000.110 Disciplinary Actions

a) A holder of any license shall be subject to imposition of fines, suspension or revocation or restriction of such license, or other disciplinary action for any act or failure to act by himself or by his agents or employees that is injurious to the public health, safety, morals, good order and general welfare of the people of the State of Illinois, or that would discredit or tend to discredit the Illinois Gaming Industry or the State of Illinois. Without limiting the foregoing, the following acts or omissions may be grounds for such discipline:

- Failing to comply with or make provision for compliance with the Act; these rules, an owner licensee's Internal Control System or any federal, state or local law or regulation or failure by the holder of an Owner's license to comply with or make provision for compliance with the holder's Internal Control.
- Failing to comply with any prior order or ruling of the Board or its agents pertaining to a Riverboat Gaming Operation Gaming.
- Receiving goods or services from a person or business entity who does not hold a Supplier's License but who is required to hold such license by these rules.
- Being suspended or ruled ineligible or having a license revoked or suspended in any state or gaming jurisdiction.
- Associating with, either socially or in business affairs, or employing persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body and would adversely affect public confidence and trust in Gaming.
- Failing to establish and maintain standards and procedures designed to prevent ineligible or unsuitable persons from being employed by the licensee, including employing in any Illinois Riverboat Gaming Operation any person known to have been found guilty of cheating or using any improper device in connection with any game.

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- 7) Failing to promulgate an approved Internal Control System.
- 8) Any reason set forth in Section 3000.241(d) or resulting from an event set forth under Section 3000.243.
- 9) Aiding and abetting a violation by a Board member or employee, or other government official, of ethical requirements established by statute, resolution, ordinance, personnel code or code of conduct.
- b) An employee whose employment at a Riverboat Gaming Operation has been terminated is subject to revocation of license for any act or failure to act which occurred while employed at any Riverboat Gaming Operation.
- c) A person who has had his or her license revoked by the Board may not reapply for a license without permission from the Board.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 1 1997.)

Section 3000.120 Place to Submit Materials

Unless otherwise required, all forms, fees, documents, papers, and other materials to be submitted to the Board shall be submitted to the Board's office in Chicago Springfield, Illinois.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 1 1997.)

Section 3000.140 Duty to Disclose Changes in Information

- a) Board licensees and applicants for licenses issued by the Board shall have a continuing duty to disclose promptly any material changes in information provided to the Board. The duty to disclose changes in information shall continue throughout any period of licensure granted by the Board. Board licensees or applicant's for licenses must maintain current release of information forms as originally submitted to the Board.

- b) In addition to and without limiting disclosure of changes of information required under subsection (a), licensees and applicants for licensure shall periodically disclose on forms provided by the Board, changes in or new agreements, whether oral or written, relating to:
- 1) Lobbying, legal services, financial consulting services, and management consulting services;
 - 2) Accounting, data processing and other financial and administrative services;
 - 3) Construction contracts;
 - 4) Agreements with or involving key persons and relatives of key persons;
 - 5) Agreements to sell, grant, gift, pledge, hypothecate or otherwise

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- 6) Agreements to sell, grant, gift, pledge, hypothecate or otherwise transfer or share stock options, warrants, stock appreciation rights, or agreements in lieu thereof, relating to an ownership interest or interests or benefits of such ownership interest or interests in a holder of an Owner's License.
- c) The failure to meet the requirements of subsection (a) or (b) may result in disciplining up to and including revocation of a license.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 1 1997.)

Section 3000.160 Owner's and Supplier's Duty to Report Misconduct

The holder of an Owner's or Supplier's License or an Occupational License, Level 1 shall cause to be reported promptly to the Administrator of the Board any other Board action undertaken by the Administrator which the licensee holder has reasonable grounds to believe indicate a violation of Internal Controls committed by a licensee or an employee of a licensee or a licensee or an employee of a licensee, including without limitation the performance of licensed activities different from those permitted under their license. The holder of an Owner's or Supplier's License, or an Occupational License, Level 1, shall also cause to be reported to the Administrator or his designee any facts the licensee has reasonable grounds to believe indicate a violation has been committed by a patron of a Riverboat Gaming Operation of Article 28 of the Criminal Code of 1961 [20 ILCS 5/28] or the Act, or indicate the commission of any other crime by a patron while on the premises of the Owner Licensee. Unless otherwise determined by the Board, all reports required by this Section shall be confidential.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 1 1997.)

Section 3000.180 Weapons on Riverboat

The only individuals that may carry a weapon on the riverboat are Board agents, Illinois State Police officers, security personnel licensed by the Board, and peace officers on duty within their jurisdictions and such other persons as may be authorized by the Board, the Administrator or agents of the Board designated by the Administrator.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 1 1997.)

SUPPORT B: LICENSES

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Section 3000.231 Distributions

- a) A holder of an Owner's License may make distributions to its partners, stockholders or itself only to the extent that such distribution will not impair the financial viability of the Riverboat Gaming Operation and do not violate the Act, this Part or orders of the Board. Factors to be considered should include but are not be limited to the following:
- 1a) Cash flow, cash and working capital requirements;
- 2b) Debt service obligations and covenants associated with financial instruments requirements;
- 3c) Requirements for repairs, and maintenance and capital improvements; and
- 4d) Employment of economic development Capital---expenditure requirements of the Act; and-
- 5) A licensee's financial projections.
- b) From time to time the Board, or the Administrator acting on behalf of the Board, may require an owner licensee to re-visit distributions made under subsection (a), along with a summary and analysis of the consideration given to the factors identified in subsections (a)(1) through (a)(5).

(Source: Amended at 20 Ill. Reg. 4642, effective 3/11/24.)

Section 3000.234 Acquisition of Ownership Interest By Institutional Investors

- a) An Institutional Investor that, individually or jointly with others, cumulatively acquires directly or indirectly five percent or more of any class of voting securities of a publicly-traded licensee or a licensee's publicly-traded corporation shall, without penalty, within ten days after acquiring such securities, notify the Administrator of such ownership and shall, upon request, provide such additional information as may be required by the Administrator.
- b) An Institutional Investor that, individually or jointly with others, cumulatively acquires, directly or indirectly, ten percent or more of any class of voting securities of a publicly-traded licensee or a licensee's publicly-traded parent corporation shall file an Institutional Investor Disclosure Form, provided by the Gaming Board, within 45 days after cumulatively acquiring such level of ownership interest, unless such requirement is waived by the Administrator.
- c) The licensee shall notify the Administrator as soon as possible after it becomes aware that it or its parent is involved in an ownership acquisition by an Institutional Investor subject to this Section. Notwithstanding the foregoing, the Institutional Investor's obligation under this Section shall be independent of the licensee's obligation to notify the Administrator.

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(Source: APR 9, 1997)

21 Ill. Reg. 4642 =

effective

Section 3000.245 Occupational Licenses

- a) Overview of Licensing Procedures. Applications for Occupational Licenses shall be subject to the following procedures prior to licensing:

- 1) Application;
- 2) Issuance of a temporary identification badge;
- 3) Investigation of the applicant;
- 4) Action of the Board; and
- 5) Different or additional licensing procedures as required of the applicant by the Board.

b) Temporary Identification Badge Requirements

- 1) Each occupational applicant shall receive from his employer a partially completed temporary identification badge. The applicant Applicant shall deliver such badge to a Board agent at applicant's employer's dock site facility for processing and completion.

2) The temporary identification badge shall:

- A) Be a white 3-1/2" by 2" card bearing the name and logo of the Riverboat Gaming Operation;
- B) Provide space for a 1" by 1-1/4" photograph;
- C) Display applicant's first name and job title;
- D) Provide a space for an eight (8) digit number;
- E) Provide a space for the Administrator's signature;
- F) Provide spaces for the dates of issuance and expiration of

- G) Such temporary badge, and, on the side a line for the employee's last name, signature, social security number and date of birth.
- 3) Upon presentation of the partially completed badge to a Board agent at the dock facility, the applicant shall be photographed and fingerprinted by the agent who shall complete and laminate the badge.

- 4) A temporary identification badge will not be issued if the Administrator or his designated agent has reason to believe the applicant is the subject of a pending investigation or disciplinary action, or is ineligible for licensing pursuant to Section 9(a)(1) or (9)(a)(2) of the Act. If the temporary identification badge is not issued, the applicant is not permitted to work for the Riverboat Gaming Operation until and unless the Board issues a license to the applicant.

- 5d) Temporary identification badges are not transferable and upon resignation or termination of employment, must be returned by the Occupational License occupational-license applicant to the holder. Occupational License license or to the Board. If returned to the holder of an Owner's License license, the holder must then

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return the badge to the Board.

- 55) Withdrawal of Temporary Identification Badge temporary identification badge.
 - a) The Administrator, upon written notification to the applicant and the holder of the Owner's license, may withdraw an applicant's Applicant's temporary identification badge upon determining a recommendation of denial to the Board.
 - b) If an applicant's temporary identification badge is withdrawn, the applicant is not permitted to work for the Riverboat Gaming Operation riverboat-gaming-operation until and unless the Board issues a license to the applicant.
 - c) If an applicant's temporary identification badge is withdrawn, the applicant's application for licensing will proceed to Board action unless it is withdrawn by the applicant prior to Board action on licensure. An applicant is responsible for compliance with all requests for information, documents, or other materials relating to the applicant and his application.
 - d) Action of the Board
 - 1) In determining whether to grant such a license, the Board shall consider the character, associations and reputation of the applicant and the qualifications of the applicant to perform the duties of the position to be licensed.
 - 2) If the Board finds the applicant suitable for licensing, it shall direct the Administrator to issue the applicant a license upon payment of the applicant's license fee. If the applicant's license fee is not received by the Board within 10 business days after the date of mailing notification of the applicant's suitability for licensing to the applicant, the Administrator shall withdraw the applicant's temporary identification badge and report to the Board.
 - 3) If the Board finds the applicant not suitable for licensing, it shall issue the applicant a Notice of Denial by certified mail or personal delivery.
 - e) Request for Hearing
 - 1) An applicant who is served with a Notice of Denial may request a hearing in accordance with Section 3000.405.
 - 2) If a hearing is not requested, the Notice of Denial becomes the final order of the Board denying the applicant's license application.
 - f) Reapplication for Denied License. If an applicant is denied a license, the applicant may not reapply for a license of-the-same-class within one (1) year from the date on which the final order of denial was voted upon by the Board to deny his application, without leave of the Board.
 - g) Permanent Identification Badge Requirements

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- 1) Upon notification of a finding of suitability by the Board and issuance of an Occupational License to applicant, applicant shall receive from his employer a partially completed permanent identification badge. Applicant shall deliver such badge to a Board agent at applicant's dock site facility for completion and processing.
 - 2) The permanent identification badge shall:
 - A) Be of a color selected by the Riverboat Gaming Operation for use on all permanent identification badges utilized by its occupational licenses occupational-licenses;
 - B) Be a 3-1/2" by 2" card bearing the name and logo of the Riverboat Gaming Operation;
 - C) Provide space for a 1" by 1-1/4" photograph;
 - D) Provide a space for an eight (8) digit number;
 - E) Display the employee's first name and Job title;
 - F) Provide a space for the Administrator's signature;
 - G) Provide a space for the dates of issuance and expiration of applicant's Occupational License;
 - H) Provide on the reverse side of the card a line for the employee's last name, signature, social security number and date of birth.
 - 3) Permanent identification badges are not transferable and upon resignation or termination of employment must be returned by the occupational licensee to the holder of an Owner's License license or to the Board. If returned to the holder of an Owner's License, the holder must then return the badge to the Board.
 - h) Display of Identification Badges
 - 1) Identification badges as required by subsections 3000.345(b) and (g) of this Section shall be worn by all employees during work hours and by occupational-licenses including those who are employed on the dock site. Identification badges shall be clearly displayed.
 - 1) A fee of \$10.00 shall be paid to the Board for any necessary replacement(s) of identification badges.
- (Source: Amended at 21 Ill. Reg. 4642, effective APR 1 1997)

Section 3000.270 Certification and Registration of Electronic Gaming Devices

- a) The Administrator will review all Electronic Gaming Devices for proper mechanical and electronic functioning. Before certification of an Electronic Gaming Device, the Administrator may employ the services of an independent electronics laboratory to evaluate the device.
- b) After completing evaluations of the Electronic Gaming Device, the Administrator may certify the Electronic Gaming Device for registration.
- c) Gaming shall be prohibited with any Electronic Gaming Device which has not been registered with the Board.

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- d) The holder of an Owner's License shall not operate in Illinois an Electronic Gaming Device unless the Electronic Gaming Device has an Illinois Gaming Board registration number.
- e) The Supplier of the Electronic Gaming Device, after receiving the appropriate documentation, shall reimburse the Board for any cost incurred in any evaluation process.
- f) The holder of an Owner's License shall not alter the operation of registered Electronic Gaming Devices and shall maintain the Electronic Gaming Devices in a suitable condition. Each holder of an Owner's License shall keep a written list of any repairs made to Electronic Gaming Devices offered for play to the public. Repairs include, without limitation, replacement of parts that may affect the Game's outcome. The holder of an Owner's License shall make the list available for inspection by the Administrator upon request.
- g) The holder of an Owner's License shall keep a written list of the date of each distribution, the serial number of each Electronic Gaming Device, and the Illinois Gaming Board registration number.
- h) The holder of an Owner's License shall not dispose of any Electronic Gaming Device without prior written approval of the Administrator

(Source: Amended at 21 Ill. Reg. 4642, effective APR 11 1997)

Section 3000.271 Analysis of Questioned Electronic Gaming Devices

- a) If the operation of any Electronic Gaming Device is questioned by a Board agent, the questioned device will be examined in the presence of a Board agent and a representative of the owner licensee. If a malfunction or the cause of a malfunction cannot be cleared or corrected, the Electronic Gaming Device shall be subjected to an EPROM analysis to verify the EPROM's signature validity.
- b) In the event that a malfunction cannot be cleared or corrected following the EPROM analysis under subsection (a), the Electronic Gaming Device may be removed from service and secured. The Electronic Gaming Device may then be transported to an industry-recognized laboratory selected by the Administrator where the device will be fully analyzed to determine the status and cause of the malfunction. All costs for transportation and analysis will be borne by the owner licensee, and will be billed to the owner licensee by the Board.

(Source: Added at 21 Ill. Reg. 4642, effective APR 11 1997)

Section 3000.280 Application for Registration of All for-ait Gaming Devices

- a) Any holder of an Owner's License who possesses intends to possess any Gaming Devices shall have a file-an application-for-a registration-for each-device--a registration tag shall be issued by the Board and be

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- securely affixed on each device.
- b) Registration tags are not transferable from one Gaming Device to another device.
- c) Any Gaming Device without a current registration tag shall be subject to seizure. Any agent of the Board may demand and gain access to any property relating to a Riverboat Gaming Operation, inclusive of Support Facilities, and seize any Gaming Device which does not bear a current registration tag or is operating in a manner that violates any provision of the Act, this Part or an owner licensee's Internal Control System. Such Gaming Devices, so seized, shall be subject to confiscation and forfeiture. In the event the Board seizes Gaming Devices in accordance with this Section, the Board shall notify the owner licensee of such seizure and of the owner licensee's right to a hearing under Subpart K of this Part.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 11 1997)

Section 3000.281 Transfer of Registration (Repealed)

Registrations are not transferable from one Gaming Device to another device.

(Source: Repealed at 21 Ill. Reg. 4642, effective APR 11 1997)

Section 3000.282 Seizure of Gaming Devices (Repealed)

Any Gaming Device without a current registration tag shall be subject to seizure. Any agent of the Board may demand and gain access to any property relating to a Riverboat Gaming Operation, inclusive of Support Facilities, and seize any Gaming Device which does not bear a current registration tag or is operating in a manner that violates any provision of the Act, Board Rules or a holder's Internal Control System. Such Gaming Devices, so seized, shall be subject to confiscation and forfeiture. In the event the Board seizes Gaming Devices in accordance with this Section, the Board shall notify the holder of an Owner's License of such seizure and of the holder's right to a hearing under Subpart K of this Part.

(Source: Repealed at 21 Ill. Reg. 4642, effective APR 11 1997)

Section 3000.283 Analysis of Questioned Electronic Gaming Devices (Repealed)

- a) If the operation of any Electronic Gaming Device is questioned by any holder of an Owner's License, patron or Board agent, the questioned device will be examined in the presence of a Board agent and a representative of the holder of an Owner's License. If the malfunction cannot be cleared by other means to the mutual

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antifauction-of-the-patron-and-the-holder-of-an-Owner's--license--the Electronic--Gaming-Device--will-be-subjected-to-an-EPROM-memory-test-to verify--signature--comparison-by-a-Board-agent
 b) In-the-event-that-the-malfunction-cannot-be-determined-and--corrected by--this--testing--the--Electronic--Gaming-Device--may-be-removed-from service-and-secured-in-a-remote-locked-compartment--The--Electronic Gaming-Device--may-then-be-transported-to-an-industry-recognized laboratory-selected-by-the-Administrator--where-the--device--will-be fully--analyzed--to-determine-the-status-and-cause-of-the-malfunction-- All--costs-for-transportation-and-analysis--will-be-borne-by-the--holder of--an-Owner's--license--and--will-be-billed-to-the-holder-of-an-Owner's license-by-the-Board

(Source: Repealed at 21 Ill. Reg. 4642, effective 4/1/93)

Section 3000.284 Disposal of Gaming Devices

The holder of an Owner's license shall not dispose of an Electronic or Live Gaming Device without prior written approval from the Administrator. The owner licensee shall dispose of other Gaming Equipment only as described in its approved Internal Control System.

(Source: Added at 21 Ill. Reg. 4642, effective 4/1/93)

SUBPART D: HEARINGS ON NOTICE OF DENIAL, RESTRICTION OF LICENSE OR PLACEMENT ON EXCLUSION LIST

Section 3000.400 Coverage of Subpart

The rules contained in this Subpart shall govern all hearings requested upon issuance of a Notice of Denial or Restriction of license, Notice of Denial of an application for transfer of ownership interest, or a Notice of Placement on exclusion list. Hearings under this Subpart are de novo proceedings for the reconsideration of an individual's record regarding restriction of license, the placement of an individual on an exclusion list or an applicant's suitability for license or transfer. A hearing under this Subpart is not an appeal of Board action.

(Source: Amended at 21 Ill. Reg. 4642, effective 4/1/93)

Section 3000.405 Requests for Hearings

- a) All requests for hearings must:
 1) Be in writing;
 2) State the name, current address and current telephone number of

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the petitioner; and
 3) State in detail the reasons why and the facts upon which the petitioner will rely to show, in cases involving licensing or transfer of ownership, that the petitioner is suitable for license or transfer, including specific responses to any facts enumerated in the Board's Notice of Denial. In matters involving exclusion, the petitioner shall state in detail the reasons why and the facts upon which the petitioner will rely to demonstrate why he should not be excluded. In matters involving restriction of license the petitioner shall state in detail the reasons why and the facts upon which the petitioner will rely to demonstrate why the license should not be restricted.

4) All requests for hearings must be verified. Such verification shall be notarized and shall include a certification in the following form:

The undersigned certifies that the statements set forth in this request for hearing are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

b) A request for hearing must be submitted within five (5) days after the date of delivery of the Notice of Denial or Restriction of license. A request for hearing must be submitted within thirty (30) days after the date of delivery of Notice of Exclusion.

1) The petitioner may submit a request for hearing by:

- Personal delivery;
 - Certified mail, postage prepaid; or
 - Overnight express mail, postage prepaid.
- 2) All requests for hearings must be submitted to the Administrator, with a copy sent to the Chief Legal Counsel at the Board's offices in either Springfield or Cook County.
- 3) A request for hearing submitted by certified mail or overnight express shall be deemed timely submitted if it is postmarked no later than thirty (30) days after the date of delivery of a Notice of Denial or Restriction of license or a Notice of Exclusion, or thirty (30) days after service of the Notice of Exclusion, unless denied.
- c) A request for hearing should be deemed granted, unless denied. The Board may deny a request for hearing if the statement of reasons and facts which it contains does not establish a prima facie case.
- d) A request for hearing may not be withdrawn or voluntarily dismissed if the Board determines that withdrawal or voluntary dismissal is not in the best interests of the public and the Gaming industry. If the Board allows an applicant to withdraw a hearing request, the initial denial or restriction of license or the order of exclusion becomes a final Board order on the date leave to withdraw is granted. If the petitioner does not prosecute his case after 21 days, the Board may move for entry of default judgment. Failure to prosecute shall result in the entry of a default judgment against petitioner.

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- e) The Chairman of the Board may appoint a Board member or an Administrative Law Judge to conduct a hearing in accordance with this Subpart. If designated, the Administrator may appoint an Administrative Law Judge to conduct a hearing in accordance with this Subpart. The Petitioner will be copied on the letter of appointment and later will serve all notice of the pendency of the hearing. The Administrative Law Judge shall establish a status date and notify the parties thereof.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 11 1991)

Section 3000.415 Discovery

- a) Upon written request served on the opposing party, a party shall be entitled to:

- 1) The name and address of any witness who may be reasonably expected to testify on behalf of the opposing party; and
- 2) All documents or other materials in the possession or control of the opposing party which the opposing party reasonably expects will be necessary to introduce into evidence. Petitioner's burden of production includes those documents Petitioner reasonably expects to introduce into evidence either in his case-in-chief or in rebuttal. Rebuttal documents, to the extent they are not immediately identifiable, shall be tendered to Respondent within two (2) weeks after receipt of documents tendered to Petitioner by Respondent unless additional time is granted by the hearing officer.
- b) Discovery may be obtained only through written requests to produce witness lists, documents or other materials, as specified in subsection (a) of this Section. Witnesses and documents responsive to a proper request for production that were not produced shall be excluded from the hearing and additional sanctions or penalties may be imposed.
- c) Subpoenas for the attendance of witnesses at hearing may be served by the petitioner only upon application to the hearing officer.
 - 1) The petitioner must show good cause, state the testimony to be elicited from a witness, why the evidence to which the testimony relates cannot otherwise be obtained, and state the reasons why the testimony is necessary and relevant.
 - 2) An agent or employee of the Board may not be required to appear except under the procedures provided in this Section.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 11 1991)

Section 3000.420 Motions for Summary Judgment

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The hearing officer may recommend the granting or denial of a directed finding or summary judgment motion upon the filing of an appropriate motion by any party. A recommendation for denial of a summary judgment motion shall not be considered by the Board until the completion of proceedings held pursuant to Section 3000.425.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 11 1991)

Section 3000.424 Subpoena of Witnesses

- a) Subpoenas for the attendance of witnesses at hearing may be served by the Petitioner only upon application to the hearing officer.

- 1) The Petitioner must show good cause, state the testimony to be elicited from a witness, why the evidence to which the testimony relates cannot otherwise be obtained, and state the reasons why the testimony is necessary and relevant.
- 2) An agent or employee of the Board may not be required by the Petitioner to appear except under the procedures provided in this Section.
- b) The Chief Counsel of the Board or the Administrator may issue subpoenas for the attendance of witnesses or subpoenas duces tecum for the production of relevant documents, records or other material at a proceeding conducted under this Subpart D.

(Source: Added at 21 Ill. Reg. 4642, effective APR 11 1991)

SUBPART F: CONDUCT OF GAMING

Section 3000.600 Wagering Only with Approved Chips, Tokens and Electronic Cards

Riverboat Gaming Wagers may be made only with Chips, Tokens or Electronic Cards electronic-cards approved by the Administrator and purchased from a holder of an Owner's license license. Such Chips, Tokens or Electronic Cards may only be used as set forth in the owner licensee's Internal Control System white-board the-Riverboat. At the patron's option, Electronic Credits may either be used as a wager on an Electronic Gaming Device or be withdrawn in the form of Tokens from the Electronic Gaming Device.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 11 1991)

Section 3000.602 Disposition of Unauthorized Winnings

Any jackpot or other winnings claimed by patrons of a Riverboat Gaming Operation as a result of unauthorized or prohibited gaming shall not be paid to

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such patrons. Such fact of winnings shall be paid immediately by the licensee to the Board and deposited into the Education Assistance Fund. The Board shall treat such payments as winnings for the purposes of wagering tax liability calculations.

(Source: Added at 21 Ill. Reg. 4642 effective APR 11 1997)

Section 3000.605 Authorized Games

No holder of an Owner's License shall permit any Game to be played other than those specifically named in the Act or approved by the Board. The Administrator shall maintain a list of Board-approved Games and the definitions of those Games for each Game for which approval of the Board is sought, the holder of an Owner's License shall provide a definition of the Game as well as a set of Game rules to the Administrator 120 days in advance of the Game's proposed operation or within such time period as the Administrator may designate.

(Source: Amended at 21 Ill. Reg. 4642 effective APR 11 1997)

Section 3000.606 Gaming Positions

The holder of an Owner's License shall list the number of Gaming participants to 1,200 for any such License (230 ILCS 10/71(h)). The number of Gaming participants will be determined by the number of Gaming Positions available and such positions will be counted as follows:

- Positions for Games utilizing Electronic Gaming Devices will be determined as 90 percent of the total number of devices available for play;
- Craps tables will be counted as having ten Gaming Positions;
- Games utilizing Live Gaming Devices, except as provided in subsection (b), will be counted as having five Gaming Positions.

(Source: Added at 21 Ill. Reg. 4642 effective APR 11 1997)

Section 3000.625 Chip Specifications

- Value Chips

1) Each Chip issued by a holder of an Owner's License shall be round in shape, have clearly and permanently impressed, engraved or imprinted thereon the name of the Riverboat Gaming Operation and the specific value of the Chip, except that a holder of an Owner's License may issue Gaming Chips without a value impressed, engraved or imprinted thereon for Roulette. Chips with a value contained thereon shall be known as "Value Chips" and Chips

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without a value contained thereon shall be known as "Non-Value Chips."

- Value Chips may be issued by the holder of the Owner's License in denominations of \$.50, \$1.00, \$2.50, \$5.00, \$10.00, \$25.00, \$50.00, \$100.00, \$500.00 and \$5,000.00. The holder of the Owner's License shall have the discretion to determine the denominations to be utilized on its Riverboat and the amount of each denomination necessary for the conduct of Gaming operations.
- Each denomination of Value Chip shall have a different primary color from every other denomination of Value Chip. Value Chips shall fall within the colors set forth below when such Chips are viewed both in daylight and under incandescent light. In conjunction with such primary colors, each holder of an Owner's License shall utilize contrasting secondary colors for the edge spots on each denomination of Value Chip. Unless otherwise approved by the Administrator, no holder of an Owner's License shall use a secondary color on a specific denomination of Chip identical to the secondary color used by another holder of an Owner's License on that same denomination of the Value Chip. The primary color to be utilized by each holder of an Owner's License for each denomination of Value Chip shall be:
 - \$0.50 - "Mustard Yellow";
 - \$1.00 - "White";
 - \$2.50 - "Pink";
 - \$5.00 - "Red";
 - \$10.00 - "Yellow";
 - \$25.00 - "Green";
 - \$50.00 - "Black";
 - \$100.00 - "Purple";
 - \$500.00 - "Fire Orange"; and
 - \$5,000.00 - "Gray".

- Each denomination of Value Chip utilized by a holder of an Owner's License shall, unless otherwise authorized by the Administrator, contain the following:
 - A base line center portion, which contains the value of the Chip and the Riverboat Gaming Operation issuing it, of a different shape for each denomination;
 - Be designed so as to be able to determine on closed circuit black and white television the specific denomination of such Chip when placed in a stack of Chips of other denominations; and
 - Be designed, manufactured and constructed so as to prevent, to the greatest extent possible, the counterfeiting of such Chips.

- The Board shall have the discretion to approve a Value Chip in the denomination of \$1,000.00 or \$5,000.00 at variance with the requirements of this Section provided that any variation is specifically identified as such by the holder of the Owner's

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License and provided further that said variation does not affect the control, security or integrity of said Chips or the operation of the Games.

- b) Non-Value Chips
- 1) Each Non-Value Chip utilized by a Riverboat shall be issued solely for the purpose of Gaming at Roulette Roulette. The Non-Value Chips at each Roulette Roulette table shall:
 - A) Have the name of the Riverboat Gaming Operation issuing it molded into its center;
 - B) Contain a design, insert or symbol differentiating it from the Non-Value Chips being used at every other Roulette Roulette table on the Riverboat;
 - C) Have Roulette Roulette stamped on it; and
 - D) Be designed, manufactured and constructed so as to prevent, to the greatest extent possible, the counterfeiting of such Chips.
 - 2) Non-Value Chips issued at a Roulette Roulette table shall only be used for Gaming at that table and shall not be used for Gaming at any other table in the Riverboat nor shall any holder of an Owner's License or its employees allow any Riverboat patron to remove Non-Value Chips permanently from the table from which they were issued.
 - 3) No person at a Roulette Roulette table shall be issued or permitted to Game with Non-Value Chips that are identical in color and design to Value Chips or to Non-Value Chips being used by another person at the same table. When a patron purchases Non-Value Chips, a Non-Value Chip of the same color shall be placed in a slot or receptacle attached to the outer rim of the Roulette Roulette wheel. At that time, a marker button denoting the value of a stack of twenty (20) Chips of that color shall be placed in the slot or receptacle.
 - 4) Non-Value Chips shall only be presented for redemption at the table from which they were issued and shall not be redeemed or exchanged at any other location in the Riverboat Gaming Operation. When so presented, the dealer at such table shall exchange them for an equivalent amount of Value Chips which may then be used by the patron in Gaming or redeemed as any other Value Chips.
 - 5) Each holder of an Owner's License shall have the discretion to permit, limit or prohibit the use of Value Chips in Gaming at Roulette Roulette provided, however, that it shall be the responsibility of the holder of an Owner's License to keep accurate account of the Wagers being made at Roulette Roulette with Value Chips so that the Wagers made by the one player are not confused with those made by another player at the table.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 11, 1981.)

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Section 3000.635 Issuance and Use of Tokens for Gaming in Electronic Gaming Devices

- a) No holder of an Owner's License license shall issue or cause to be utilized in a Riverboat Gaming Operation any Tokens for Gaming in Electronic-Gaming-Devices unless such Tokens are approved by the Administrator. In requesting approval of such Tokens, the holder of an Owner's License license shall first submit to the Administrator a detailed schematic of its proposed token which shall show its front, back and edge, its diameter and thickness and any design or wording to be contained thereon, both as to size and location on such schematic as they will appear. Once the design schematics are approved by the Administrator, Tokens shall be issued or utilized until a sample of such Token is also submitted and approved by the Administrator.
- b) A holder of an Owner's License license may, with the approval of the Administrator, issue metal Tokens designed for Gaming in Electronic-Gaming-Devices. Such Tokens shall:
 - 1) Clearly identify the name and location of the Riverboat Gaming Operation issuing them;
 - 2) Clearly state the face value of the Token;
 - 3) Contain the statement "Not Legal Tender";
 - 4) Not be deceptively similar to any current or past coin of the United States or a foreign country;
 - 5) Be of a size or shape or have other characteristics which will physically prevent their use to activate lawful vending machines or other machines designed to be operated by coins of the United States; and
 - 6) Not be manufactured from a ferromagnetic material or from a three-layered material consisting of a copper-nickel alloy clad on both sides of a pure copper core or from a copper based alloy except if the total zinc, nickel, aluminum, magnesium and other alloying metal exceeds 25 percent (25%) of the Token's weight.
- c) Tokens approved for issuance by a holder of an Owner's License license shall be:
 - 1) Issued to a patron upon payment therefor, or in accordance with a complimentary distribution program authorized pursuant to the Act;
 - 2) Capable of insertion into designated Electronic Gaming Devices operated by the holder of an Owner's License license for the purpose of activating play;
 - 3) Available as a payout from the hopper of such Electronic Gaming Devices; and
 - 4) Redeemable by the patron in accordance with the Act.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 11, 1981.)

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Section 3000-640 Exchange of Chips and Tokens

- a) Chips shall be issued to a person only at the request of such person and shall not be given as change in any other transaction. Chips shall only be issued to Riverboat patrons at cashier's cages or at the Live Gaming Devices and shall be redeemed only at a cashier's cage.
- b) Tokens shall only be issued upon the request of a patron from a cashier's cage, Token Dispenser, Bill-Changer or from employees of the holder of an Owner's License at the Electronic Gaming Device area. Tokens shall be redeemed only at a cashier's cage.
- c) Chips or Tokens shall only be redeemed by a holder of an Owner's License from its patrons and shall not be knowingly redeemed from any non-patron source, except where provided; however, that non-Gaming employees of--of--the--where--may--redeem--chips--or--tokens--they--have--received--as--guests.
- d) Employees of the holder present for redemption Chips or Tokens as provided in the approved Internal Control System of the holder:
- e) Another holder of an Owner's License presents for redemption Tokens which have been lawfully received by that holder;
- f) Subject to approval by the Administrator, a person licensed to conduct gaming in another jurisdiction presents for redemption Tokens which have been lawfully received by that person or the prior written approval for the redemption of the Chips or Tokens is obtained in each instance from the Administrator.
- g) Each Riverboat shall promptly redeem its own Chips and Tokens by cash or by check dated the day of such redemption on an account of the Riverboat requested by the patron, except when the Chips and Tokens were obtained or used unlawfully.
- h) Each Riverboat may demand the redemption of its Chips or Tokens from any person in possession of them and such person shall redeem said Chips or Tokens upon presentation of an equivalent amount of cash by the Riverboat.
- i) No Riverboat shall knowingly accept, exchange, use, or redeem Gaming Chips or Tokens issued by another Riverboat.
- j) A prominent place:
 - 1) On the front of a cashier's cage a sign that reads as follows: "Gaming Chips issued by another Riverboat may not be used, exchanged or redeemed in this Riverboat"; and
 - 2) On Electronic Gaming Device Token redemption booths a sign that reads as follows: "Tokens issued by another Riverboat may not be used, exchanged or redeemed in this Riverboat".

(Source: Amended at 21 Ill. Reg. 464.2, effective APR 01 1997)

Section 3000-660 Minimum Standards for Electronic Gaming Devices

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- a) Electronic Gaming Devices shall pay out a mathematically demonstrable percentage of all amounts wagered, which must not be less than eighty percent (80%), nor more than one-hundred-percent (100%) unless otherwise approved by the Administrator. Electronic Gaming Devices that may be affected by player skill must meet this standard when using a method of play that will provide the greatest return to the player over a period of continuous play.
- b) Electronic Gaming Devices shall:
 - 1) Be controlled by a microprocessor or the equivalent;
 - 2) Be compatible to on-line data monitoring;
 - 3) Have a separate locked internal enclosure within the device for the circuit board containing the EPROM computer-chips-that-store-memory;
 - 4) Be able to continue a Game with no data loss after a power failure;
 - 5) Have previous and current Game data recall;
 - 6) Have a random selection process that must not produce detectable patterns of Game elements or detectable dependency upon any previous Game outcome, the amount wagered, or upon the style or method of play;
 - 7) Clearly display applicable rules of play and the payout schedule;
 - 8) Display an accurate representation of each Game outcome. After selection of the Game outcome, the Electronic Gaming Device must not make a variable secondary decision which affects the result known to the player;
 - 9) Have complete, nonvolatile meters including Tokens-in-tokens-out, Tokens-out tokens-out, Tokens dropped--total--credits--wagered--total--credits--wagered--number-of--Games--played, and jackpots paid;
 - 10) Make available for random selection at the initiation of each play each each possible permutation or combination of Game elements which produce winning or losing Game outcomes must-be--and available-for-random-selection-at-the-initiation--of--each--play; and
 - 11) Not automatically alter pay-tables or any function of the Electronic Gaming Device based on internal computation of the hold percentage.
- c) When an Electronic Gaming Device is unable to drop sufficient Tokens for payment of jackpots requiring the payment to be made by the Riverboat, jackpot payout tickets must be prepared containing the following information:
 - 1) The location of the Electronic Gaming Device;
 - 2) The date;
 - 3) The time of day;
 - 4) The Electronic Gaming Device number;
 - 5) The amount of the jackpot payout in written and numeric form;
 - 6) The signature of the holder of an Owner's License or Riverboat Gaming Operation operator employee making the payment; and

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- 7) A signature of at least one other Riverboat Gaming Operation employee attesting to the accuracy of the form.
- d) Electronic Gaming Devices linked to any Progressive Jackpot system shall meet the following specifications:
- 1) The value of a Progressive Jackpot shall be clearly displayed above the interlinked Electronic Gaming Devices, and metered incrementally by a Progressive Controller. Any Electronic Gaming Device that offers a Progressive Jackpot, or that is linked to a Progressive Jackpot, must prominently display a manufacturer-supplied glass indicating either that a Progressive Jackpot is to be paid or indicating the current amount of the Jackpot. All Electronic Gaming Devices linked and contributing to a common Progressive Jackpot shall contain EPROMs with identical Theoretical Payout Percentages.
 - 2) A Progressive Jackpot may be transferred to another Progressive Electronic Gaming Device at the same location in the event of a device malfunction or replacement, with approval of the Administrator.
 - 3) A holder of an Owner's License may impose a limit on the Jackpot of an Electronic Gaming Device which is linked to any Progressive Controller as long as the minimum payout is greater than the possible maximum jackpot payout showing on any individual Electronic Gaming Device linked to the Progressive Jackpot.
 - 4) No Progressive Jackpot payoff indicator shall be cancelled or turned back to a lesser amount unless one of the following circumstances occurs:
 - A) The amount shown on the progressive meter is paid to a player as a jackpot;
 - B) It becomes necessary to adjust the progressive meter to prevent the jackpot indicator from displaying an amount greater than the limit imposed by the Riverboat Gaming Operation pursuant to subsection (d)(3) of this Section these rules; and
 - C) It becomes necessary to change the jackpot indicator because of an Electronic Gaming Device malfunction, in which case such malfunction and adjustment must be recorded by appropriate Electronic Gaming Device monitoring on-line data system.
 - 5) A holder of an Owner's License who is liable for payment of a Progressive Jackpot must secure the amount of same by a cash deposit, a performance bond, or a security instrument nationally recognized in the Gaming Industry. The Administrator must approve all deposits, bonds, or other instruments, and the security instrument must be secured in a method approved by the Administrator.

(Source: Amended at 21 Ill. Reg. 4642, effective April 1, 1994)

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Section 3000.665 Integrity of Electronic Gaming Devices

Electronic Gaming Devices shall:

- a) Be cashless in operation, and as such, must accept only Electronic Cards or Tokens as Wagers;
- b) Be electronic in design and operation and not be electro-mechanical or mechanical in operation;
- c) Not subject a player to physical hazards;
- d) Contain a surge protector on the line that feeds power to the Electronic Gaming Device. The battery backup or an equivalent for the Electronic meters must be capable of maintaining accuracy of all information required for 180 days after power is discontinued from the Electronic Gaming Device. The backup shall be kept within the locked logic board compartment;
- e) Have an on/off switch that controls the electrical current used in the operation of the Electronic Gaming Device and associated equipment and that is designed so that it is inaccessibly placed with the interior of the device so that it is not subject to physical tampering or discharge of other electromagnetic interference;
- f) Have at least one electronic Token acceptor. Token acceptors must be designed to accept designated Tokens and reject others. The Token received on an Electronic Gaming Device must be designed to prevent the use of cheating methods such as slugging, stringing, or spooning. All Tokens accepted are subject to approval by the Administrator. Tokens accepted but which are inappropriate "token-ins" must be returned to the player by activation of the hopper or credited toward the next play of the Electronic Gaming Device. The Electronic Gaming Device control program must be capable of handling rapidly fed Tokens so that occurrences of inappropriate "token-ins" are prevented;
- h) Not be readily accessible in its internal space of the Electronic Gaming Device when the front door is both closed and locked;
- i) Have logic boards and software EPROMs (computer-chips--that-store memory) in a locked area within the Electronic Gaming Device, sealed with evidence tape. The evidence tape must be affixed by an authorized Board agent and must include the date, signature and I.D. number of the agent. This tape may only be removed in the presence of an authorized Board agent;
- j) Have a Token compartment contained in a locked area within or attached to the Electronic Gaming Device;
- k) Not contain any hardware switches that alter the pay-tables or payout percentages in its operation. Hardware switches may be installed to control graphic routines, speed of play, and sound;
- l) Contain an unremovable identification plate containing the following information, appearing on the exterior of the Electronic Gaming Device:
 - 1) Manufacturer;
 - 2) Serial Number; and
 - 3) Model Number.

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- m) Contain the rules of play for each Electronic Gaming Device displayed on the face or screen. No rules shall be incomplete, confusing, or misleading. Each Electronic Gaming Device must also display the credits wagered and the credits awarded for the occurrence of each possible winning combination based on the number of credits wagered. All information required by this Section must be kept under glass or another transparent substance and at no time may stickers or other removable items be placed over this information;
- n) Have equipment that enables the Electronic Gaming Device to communicate with a central computer system accessible to the Board, using an industry standard protocol data format approved by the Administrator;
- o) Be capable of continuing the current Game with all current Game features after a malfunction is cleared. This rule does not apply if an Electronic Gaming Device is rendered totally inoperable. The current Wager and all credits appearing on the screen prior to the malfunction shall be returned to the patron;
- p) Have attached a drop bucket housed in a locked compartment separate from any compartment of the Electronic Gaming Device;
- q) Be capable of detecting and displaying the following error conditions which an attendant may clear:

- 1) Token-in jam;
- 2) Token-out jam;
- 3) Hopper empty or time-out;
- 4) Program error;
- 5) Hopper runaway or extra Token paid out;
- 6) Reverse token-in;
- 7) Reel error; and
- 8) Door open.

- r) Use a communication protocol which ensures that erroneous data or signals will not adversely affect the operation of the Electronic Gaming Device;
- s) Display an Illinois Gaming Registration Board registration number permanently imprinted, affixed or impressed on the outside of the Electronic Gaming Device;

- t) Have the capacity to display on the front of each Electronic Gaming Device its rules of play, character combinations requiring payouts, and the amount of the related payouts. In addition, the holder of an Owner's License shall display on each Electronic Gaming Device either:
- 1) A clear description of any merchandise or thing of value offered as a payout, including the cash equivalent value of the merchandise or thing of value offered, the dates the merchandise or thing of value will be offered, if the holder of an Owner's License establishes a time limit upon initially offering the merchandise or thing of value and the availability or unavailability to the patron of the optional cash equivalent value; or

- 2) The name or a brief description of the merchandise or thing of

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value offered; provided, however, a sign containing the information specified in subsection (t)(1) shall be displayed in a prominent location approved by the Board near the Electronic Gaming Device;

- u) Have a mechanical, electrical, or electronic device that automatically precludes a player from operating the Electronic Gaming Device after a jackpot requiring a manual payout and requires an attendant to reactivate the Electronic Gaming Device.

(Source: Amended at 21 Ill. Reg. 4642, effective 1/14/11)

Section 3000.666 Bill Validator Requirements

- a) Bill Validators shall be limited to accepting United States currency in denominations of not less than \$1.00 and not more than \$100.
- b) Each bill accepted by the Bill Validator shall be registered at its face value as a bill vended and this information must be provided through a communications interface to a cashier case area on board the Riverboat, as well as being reflected as such with the Riverboat Gaming Operation's centralized, on-line computer monitoring system.
- c) All currency accepted and stored within the Bill Validator shall be accessible only to designated Riverboat Gaming Operation personnel via an externally locked compartment door which does not allow for access to the Electronic Gaming Device door.

(Source: Added at 21 Ill. Reg. 4642, effective 1/14/11)

Section 3000.670 Computer Monitoring Requirements of Electronic Gaming Devices

- a) The holder of an Owner's License must have a computer connected to all Electronic Gaming Devices in the Riverboat to record and monitor the activities of such devices. No Electronic Gaming Device shall be operated unless it is on-line and communicating to a computer monitoring system approved by the Administrator. Such computer monitoring system shall provide on-line, real-time monitoring and data acquisition capability in the format and media approved by the Administrator.
- b) The computer permitted by subsection (a) of this Section shall be designed and operated to automatically perform and report functions relating to Electronic Gaming Device meters, and other exceptional functions and reports in the Riverboat as follows:
- 1) Record the number and total value of Tokens placed in the Electronic Gaming Device for the purpose of activating play;
 - 2) Record the number and total value of Tokens deposited in the drop bucket of the Electronic Gaming Device;
 - 3) Record the number and total value of Tokens automatically paid by

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the Electronic Gaming Device as the result of a jackpot;
 4) Record the number and total value of tokens to be paid manually as the result of a jackpot;

5) Have an on-line computer alert, alarm monitoring capability to insure direct scrutiny of any device malfunction, any type of tampering, and any open door to the Electronic Gaming Device or drop area. In addition, any person opening the Electronic Gaming Device or the drop area shall complete the machine entry authorization log including time, date, machine identity and reason for entry;

6) Be capable of logging in and reporting any revenue transactions not directly monitored by token meter, such as Tokens placed in the Electronic Gaming Device as a result of a fill, and any Tokens removed from the Electronic Gaming Device in the form of a refill; and

7) Identify any Electronic Gaming Device taken off-line or placed on-line of the computer monitoring system, including date, time, and Electronic Gaming Device identification number.

c) The holder of an Owner's license shall store, in machine-readable format, all information required by subsection (b) for the period of five years one (1) year. The holder of an Owner's license shall store all information in a secure area and certify that this information is complete and unaltered. This information shall be available in the format and media approved by the Administrator.

d) In addition to the requirements of subsection (c), the owner license shall store, in machine-readable format and by date, time and type of occurrence, all exceptions or events that result in an Electronic Gaming Device malfunction or tilt for a period of 21 days.

e) The secured office facilities for the sole accessibility of Board personnel provided in accordance with Section 3000.810 of these rules shall house a dedicated computer monitoring line which provides computer accessibility to Board personnel to review, monitor and record data identical to that specified in this Section.

(Source: Amended at 21 Ill. Reg. 4642, effective April 1, 1997)

SUBPART G: EXCLUSION OF PERSONS

Section 3000.720 Criteria for Exclusion or Ejection and Placement on an Exclusion List

The Administrator may place a person on the Exclusion List or eject such person from a Riverboat Gaming Operation pending a hearing if such person has:

- Been convicted of a felony in any jurisdiction, any crime of moral turpitude or a crime involving Gaming;
- Violated either the Act or these rules;
- Performed any act or had a notorious or unsavory reputation which

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would adversely affect public confidence and trust in Gaming; Of and
 d) His name on any valid and current Exclusion List from another jurisdiction in the United States.

(Source: Amended at 21 Ill. Reg. 4642, effective April 1, 1997)

Section 3000.725 Duty of licensees

No licensee shall knowingly allow any person excluded pursuant to Section 3000.720 to gamble at or enter the premises of the Riverboat Gaming Operation.

(Source: Added at 21 Ill. Reg. 4642, effective April 1, 1997)

SUBPART H: SURVEILLANCE AND SECURITY

Section 3000.800 Required Surveillance Equipment

The holder of an Owner's license shall install in the Riverboat a closed circuit television system in accord with the specifications herein and shall provide access to the system or its signal by the Board. The closed circuit television must meet or exceed the following specifications:

- Solid state, black and white cameras, 2/3" or 1/2" or 1/3" format, with minimum 400 plus line resolution installed in fixed positions with matrix control and/or with pan, tilt and zoom capabilities; secreted from public and non-surveillance non-security personnel view to effectively and clandestinely monitor in detail, from various vantage points, the following:

- The Gaming conducted at the Electronic Gaming Devices;
- The master display board and the number or ball selection device for Keno;
- The count processes conducted in the count rooms;
- The movement of cash, Chips, drop boxes, tip boxes, Token storage boxes, and drop buckets within the Riverboat and any area of transit of uncounted Tokens, Chips, cash and cash equivalents;
- Any area where Tokens or Chips can be purchased or redeemed;
- The entrance and exits to the Riverboat and the count rooms;
- For all live Games regardless of patron or employee position:
 - Hands of all Gaming patrons and dealers;
 - Tray; and
 - Overall layout of the table area capable of capturing clear individual images of Gaming patrons and dealers, inclusive of, without limitation, facial views and the playing surface so that the outcome of each Game may be clearly observed;
- Such other areas as the Administrator designates;

- Individual solid state, color, television cameras, 2/3" or 1/2" or 1/3" format, with minimum 320 plus line resolution with matrix and/or pan,

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tilt and zoom capabilities, secreted from public and non-surveillance non-security personnel view augmented with appropriate color corrected lighting to effectively and clandestinely monitor in detail, from various vantage points, the following:

- 1) Roulette tables, in a manner to clearly observe the Wagers, patrons, and the outcome of each Game;
- 2) The operations conducted at the fills and credit area of the cashier's cage(s);
- c) All closed circuit cameras equipped with lenses of sufficient magnification to allow the operator to clearly distinguish the value of the Chips, Tokens and playing cards;
- d) Video monitors that meet or exceed the resolution requirement for video cameras with solid state circuitry, and time and date insertion capabilities for taping what is being viewed by any camera in the system. Each video monitor screen must measure diagonally at least twenty-two (22) inches and all controls must be front mounted;
- e) Video printers capable of adjustment and possessing the capability to generate instantaneously, upon command, a clear, color and/or black and white, copy of the image depicted on the videotape recording;
- f) Date and time generators based on a synchronized, central or master clock, recorded on tape and visible on any monitor when recorded;
- g) Wiring to prevent tampering. The system must be supplemented with a back-up gas/diesel generator power source which is automatically engaged in case of a power outage and capable of returning to full power within seven (7) to ten (10) seconds;
- h) An additional uninterrupted power supply system so that time and date generators remain active and accurate, and switching gear memory and video surveillance of all Riverboat entrances/exits and cage areas is continuous;
- i) Video monitors, capable of both manual and automatic sequential switching for the appropriate cameras;
- j) Videotape recorders capable of producing high quality first generation pictures with a horizontal resolution of a minimum of 240 plus lines non-consumer, industrial grade, and recording on a standard 1/2 inch, V.H.S. tape with high-speed scanning and flickerless playback capability in real-time (23 to 30 frames per second). Such videotape recorders must possess time and date insertion capabilities for taping what is being viewed by any camera in the system;
- k) Audio capability in the soft count room; and
- l) Adequate lighting in all areas where camera coverage is required. The lighting shall be of sufficient intensity to produce clear videotape and still picture production, and correct color correction where color camera recording is required. The video must demonstrate a clear picture, in existing light under normal operating conditions.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 01 1997)

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Section 3000.810 Riverboat Security and Board Surveillance Room Requirements

There shall be for the exclusive use of the Board agents and for the use by surveillance employees of the Riverboat Gaming Operation, rooms on each Riverboat for monitoring and recording purposes. The room for the exclusive use of the Board shall be designated the Board Surveillance Room. The room for the use of the surveillance employees of the Riverboat Gaming Operation shall be designated the Riverboat Surveillance Security Room.

- a) All equipment that is utilized to monitor or record must remain solely accessible to the Riverboat Surveillance Security Room personnel and be exclusively for Riverboat surveillance and security, except when such equipment is being repaired or replaced.
- b) Employees or Agents of the Riverboat Gaming Operation assigned to monitoring duties in the Riverboat Surveillance Security Room shall have no other gaming-related duties unrelated to surveillance within the Riverboat Gaming Operation.
- c) The interior of the Board Surveillance Room and the Riverboat Surveillance Security Room shall not be visible to the public.
- d) Each Riverboat shall have a minimum of eight (8) monitors in the Riverboat Surveillance Security Room, and three (3) monitors in the Board Surveillance Room. Each room shall have appropriate switching capabilities to insure that all surveillance cameras are accessible to monitors in both surveillance rooms. The equipment in the Board Surveillance Room must be able to monitor and record, without being overridden, anything visible by monitor to employees of the holder of an Owner's license.
- e) The Board and agents shall at all times be afforded immediate access to the Riverboat Surveillance Security Room and other surveillance areas and all recording equipment in the Riverboat Surveillance Security Room.
- f) The Riverboat Surveillance Security Room and the Board Surveillance Room shall be equipped with all the required surveillance equipment as specified in Section 3000.800.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 01 1997)

Section 3000.830 Surveillance Security Logs

The holder of the Owner's license shall be required to maintain a Surveillance Security log of all surveillance activities in the Riverboat Surveillance Security Room. The log shall be maintained by Riverboat Surveillance Security Room personnel. The Board shall have access at all times to the log. The log shall include the following:

- a) All persons entering and exiting the Riverboat Surveillance Security Room;
- b) Summary, including date, time and duration, of the surveillance; and
- c) Record of any equipment or camera malfunctions.

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(Source: Amended at 21 Ill. Reg. 4642, effective 1/1/11)

Section 3000.840 Storage and Retrieval

- a) All videotape recordings shall be retained for at least five (5) days and shall be listed on a log by surveillance security personnel with the date, times, and identification of the person monitoring or changing the tape in the recorder. Original videotape recordings will be released to the Board upon demand.
- b) Any videotape recording illegal, or suspected illegal activity shall, upon completion of the tape, be removed from the recorder and etched with date, time and identity of surveillance security personnel. The videotape shall be placed in a separate, secure area and notification given to the Board agent.

(Source: Amended at 21 Ill. Reg. 4642, effective 1/1/11)

SUBPART I: LIQUOR LICENSES

Section 3000.900 Liquor Control Commission

The Illinois Liquor Control Commission shall issue Riverboat liquor licenses to holders of an Owner's License in accordance with the Liquor Control Act of 1934, [235 ILCS 5] 111 Rev-Stat-eh-43-par-1-et-seq-19997.

(Source: Amended at 21 Ill. Reg. 4642, effective 1/1/11)

Section 3000.910 Liquor Licenses

- a) Fees.
- b) The annual license fee shall be \$150.00.
- c) Duration of license.
- d) All Riverboat liquor licenses issued by the Commission shall be valid for a period not to exceed one year after issuance, unless revoked or suspended as described in 235 ILCS 5/5-2 111 Rev-Stat-eh-43 Section-117.
- e) No Riverboat shall sell liquor without possessing a Temporary Operating Permit or an Owner's License.
- f) Display of the liquor license.
- g) Every holder of an Owner's License shall cause the liquor license to be framed and hung in plain view in a conspicuous place on the licensed premises.

(Source: Amended at 21 Ill. Reg. 4642, effective 1/1/11)

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SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section 3000.1020 Standard Financial and Statistical Records

- a) The holder of the Owner's License license, unless specifically exempted by the Administrator, shall file monthly, quarterly and annual reports of financial and statistical data.
- b) The Administrator shall periodically prescribe a set of standard reporting forms and instructions to be used in filing monthly, quarterly and annual reports.
- c) Annual reports shall be based on a calendar year beginning January 1 and ending December 31, unless otherwise approved by the Administrator. Quarterly reports shall be based on the calendar quarters ending March 31, June 30, and September 30 and December 31. Monthly reports shall be based on calendar months. Quarterly and monthly reports shall contain a cumulative year-to-date column so as to facilitate analysis.

d) The Owner license's Chief Executive Officer or the Chief Executive Officer's designee who is authorized by the Administrator, shall be responsible for all reports required to be filed pursuant to this Section.

e) Reports required to be filed pursuant to this Section shall be sworn to and signed by:

- 1) If from a corporation:
- A) Chief Executive Officer; and either the
 - B) Financial Vice-President; or
 - C) Treasurer; or
 - D) Controller;
- 2) If from a partnership by a General Partner; and Pinaneta Director;
- 3) If from a sole proprietorship by the proprietor; or
- 4) If from any other form of business association by the Chief Executive Officer.

f) Reports required to be filed pursuant to this Section shall be addressed as prescribed by the Administrator and received no later than the required filing date. The required filing date for monthly reports shall be the last calendar day of the following month. All other reports required by this Section are due as prescribed in Section 3000.1030(f).

g) Reports shall be addressed to the Administrator and postmarked no later than the required filing date. The required filing dates are as follows:

- 1) Monthly reports shall be due on the 30th calendar day of the following month;
- 2) Quarterly reports shall be due on the 15th calendar day of the second month following the end of the quarter; and
- 3) Annual reports shall be due on the 15th calendar day of the third month following the end of the year.

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- f) In the event of a termination or suspension of the Owner's License license, voluntary or involuntary change in business entity or material change in ownership, the holder of an Owner's License license shall file an interim quarterly report as of the date of occurrence of such event, unless such event has already been disclosed in a regular quarterly report or unless exempted by the Administrator. The filing date shall be thirty (30) calendar days after the date of occurrence of the event.
- g) Any adjustments resulting from the quarterly and annual audits required in Section 3000.1030 3669-1139 shall be recorded in the accounting records. In the event that the adjustments were not reflected in the holder of an Owner's License's license's quarterly or annual reports and the Administrator concludes the adjustments are significant, a revised report may be required from the holder of an Owner's License license. The revised filing shall be due within thirty (30) calendar days after written notification to the holder of an Owner's License license.
- h) Delays in mailing, mail pickups, and postmarking are the responsibility of the holder of an Owner's License license.

(Source: Amended 30 at 21 Ill. Reg. 4642, effective)

Section 3000.1030 Annual and Special Audits and Other Reporting Requirements

- a) Annual and Special Audits and other reports
- 1) The Administrator shall direct an audit to be performed of the annual financial statements of the holder of an Owner's License including a report on the Internal Control System communicating any reportable conditions and material weaknesses noted in the course of the audit. Upon written notice by the Administrator other procedures or reports may be required. The annual audit shall be performed by an independent certified public accountant who is or whose firm is licensed in the State of Illinois. The independent certified public accountant who performs the annual audit shall be selected by the Administrator, and the selection may be based on the recommendation of the holder of an Owner's License.
- 2) The annual audit and internal control report procedures shall be performed in accordance with generally accepted auditing standards. The annual audit report is to be presented in accordance with generally accepted accounting principles and contain the opinion of the independent certified public accountant as to its fair presentation in accordance with such generally accepted accounting principles.
- 3) To assure the integrity of similar compliance with the Act and the rules of the Board, the Administrator may require at anytime a special audit of an owner license to be conducted by Board

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- personnel or an independent certified public accountant who is, or whose firm is, licensed in Illinois. The Administrator shall establish the scope, procedures and reporting requirements of any special audit.
- b) Quarterly compliance reports by independent certified public accountants or personnel. The Administrator shall require quarterly compliance reports to be created and procedures performed by independent certified public accountants or Board personnel covering the following:
- 1) Quarterly compliance reports by independent certified public accountants or personnel.
 - 2) Semi-annual record-keeping procedures to ascertain that Admissions and Adjusted Gross Receipts are determined in conformity with the Act and this Part.
 - 3) Semi-annual "unannounced" observation of the Transportation and Table Drop, and tip box drop. For purposes of these procedures, "unannounced" means that no officers, directors or employees of the holder of the Owner's License are given advance information regarding the dates or times of such observations.
 - 4) Review of purchasing functions and contractual agreements, both oral and written, on a sample basis, in order to report on compliance with the owner licensee's Internal Control System and to determine that such purchases and contractual agreements are not in excess of their fair market value. This review shall be conducted at least annually at the direction of the Administrator and
 - 5) Quarterly reports on deviations from the owner licensee's approved Internal Control System based on procedures performed in the reports of Admissions and Adjusted Gross Receipts, procedures relating to internal control, purchasing and contracting functions and/or "unannounced" observations.
- c) Independent certified public accountants performing annual audits shall not perform compliance services on behalf of the Administrator for the same owner licensees.
- d) Independent certified public accountants who perform compliance services to an owner license on behalf of the Administrator shall not perform an annual audit or any other service for such owner licensee during the term of their engagement and for a period of two years following termination of the engagement.
- e) The holder of an Owner's License shall prepare a written response relating to findings noted in the independent certified public accountant's or Board's reports required by subsections (a) and (b) of this Section. The response shall indicate in detail the corrective actions taken. Such response shall be incorporated in the independent certified public accountant's or Board's reports.
- f) The Administrator shall determine the number of copies of reports required under this Section and such reports shall be received by the Board or postmarked no later than the required filing date.

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- 1) Quarterly reports for procedures performed in the first three fiscal quarters of an owner licensee's approved fiscal year shall be due not later than two months after the last day of the quarter.
- 2) Quarterly reports for the procedures performed in the fourth fiscal quarter of the owner licensee's approved fiscal year and the annual reports shall be due not later than three months after the last day of the calendar or fiscal year.
- 3) Delays in mailing, mail pickup and postmarking are the responsibility of the owner licensee.
- 4) Owner licensees who are public reporting companies under the Securities Act of 1933 or the Securities Exchange Act of 1934 shall submit four copies of all reports required by the Securities and Exchange Commission to the Administrator. These reports shall be due on the same filing dates as required by the Securities and Exchange Commission.
- 5) All of the audits and reports required by this Section that are performed by independent certified public accountants shall be prepared at the sole expense of the owner licensee.
- 6) The reporting year end of the holder of an owner's license shall be December 31 unless otherwise approved by the Administrator.
- 7) The Administrator shall direct an audit to be performed of the financial transactions and conditions of the total operations of a holder of an owner's license including the internal control system required to be submitted in accordance with subsection (c) of Section 3009.320. The procedures set forth below are the minimum procedures that must be performed. Upon written notice by the Administrator other procedures may be required in conjunction with the audit. The independent certified public accountant selected by the Administrator shall perform the following procedures:
 - a) A quarterly basis:
 - 1) Evaluate the internal control system in order to report on material weaknesses in internal accounting controls. Whenever in the opinion of the independent certified public accountant there exists no material weaknesses in internal accounting controls, the report shall so state.
 - 2) Audit the respective quarter's adjusted gross receipts in accordance with generally accepted auditing standards in order to report on the fair presentation of adjusted gross receipts in conformity with Board Rules.
 - 3) Observe unannounced the transportation and count of cash drop and tip box for purposes of these procedures. Unannounced means that no officer, directors or employees of the holder of the owner's license are given advance information regarding the dates or times of such observations.
 - 4) Review the terms of contractual agreements, both oral and

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- 1) Written on a sample basis, in order to report on compliance with the terms of the contractual agreements and to determine that such contracts are not in excess of their fair market value and
- 2) Report on any reportable conditions found during the quarterly procedures required by subsections (a)(1)(A) through (B) of this Section. A reportable condition shall be defined as a significant deficiency in the design or operation of the internal control structure which would adversely affect the ability of the holder of an owner's license to record, process, summarize and report financial data consistent with the assumptions of management in the financial statements. Reportable conditions that are also material weaknesses shall be identified as such in the report. Nonreportable conditions discovered by the independent certified public accountant shall also be reported.
- 3) On an annual basis:
 - A) Evaluate the holder of an owner's license's internal control system in order to report on compliance with the submitted internal control system approved by the Administrator. Whenever in the opinion of the independent certified public accountant the holder of an owner's license has deviated from the submitted internal control system approved by the Administrator or the accounts, records and control procedures examined are not maintained by the holder of the owner's license in accordance with the Act and these rules, the report shall enumerate such deviations regardless of materiality and such areas of the internal control system no longer considered effective and shall make recommendations regarding improvements in the internal control system to the Administrator.
 - B) Audit in accordance with generally accepted auditing standards the financial statements in order to report on the financial statements' fair presentation in conformity with generally accepted accounting principles.
 - C) Report to the Administrator on reportable conditions found during the annual audit of the financial statements. A reportable condition shall be defined as a significant deficiency in the design or operation of the internal control structure which would adversely affect the holder of an owner's license's ability to record, process, summarize and report financial data consistent with the assumptions of management in the financial statements. Reportable conditions that are also material weaknesses shall be identified as such in the report. The quarterly reports required by subsection (a)(1)(A) of this Section shall be incorporated into this annual report. Nonreportable

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- conditions discovered by the independent certified public accountant shall also be reported.
- b) The holder of an Owner's license shall prepare and send to the Administrator and to the independent certified public accountant a written response to the independent certified public accountant's reports required by subsections (a)(1)(A) and (a)(1)(C) of this Section. Such response shall be incorporated in the independent certified public accountant's report. These reports shall be incorporated into one report in a format prescribed by the Administrator.
- c) Three (3) copies of the reports required by subsection (a) above shall be received by the Board or postmarked no later than the required filing date.
- d) Quarterly reports for the first three quarters shall be due not later than ninety (90) calendar days after the last day of the quarter.
- e) Quarterly reports for the fourth quarter and the annual reports shall be due not later than 120 calendar days after the last day of the calendar or fiscal year.
- f) Delays in mailing mail pickups and postmarking are the responsibility of the holder of an Owner's license.
- g) All of the audits and reports required by this subsection shall be prepared at the sole expense of the holder of an Owner's license.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 1 1974)

Section 3000.1040 Accounting Controls Within the Cashier's Cage

- a) The assets for which the cashiers are responsible shall be maintained on an imprest basis. At the end of each shift, the cashiers assigned to the outgoing shift shall record on a cashier's count sheet the face value of each cashier's cage inventory item counted and the total of the opening and closing cashier's cage inventories and shall reconcile the total closing inventory to the total opening inventory. The cashiers shall sign the completed cashier's count sheet attesting to the accuracy of the information contained on the cashier's count sheet.
- b) At the conclusion of each day, at a minimum, a copy of the cashier's count sheet and related documentation shall be forwarded to the accounting department for agreement of opening and closing inventories, agreement of amounts thereon to other forms records, and documents required by this Section, and recording of transactions.
- c) All accounting controls within the cashiers cage shall conform with the approved Internal Control System as required under Subpart C of this Part Section 3000.1300.

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(Source: Amended at 21 Ill. Reg. 4642-1, effective APR 1 1974)

Section 3000.1050 Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit

- a) Except as otherwise provided in this Section, no holder of an Owner's license shall make any loan, or otherwise provide or allow to any person any credit or advance of anything of value or which represents value to enable any person to take part in gaming activity. The failure to deposit for collection a negotiable instrument by the next banking day following receipt shall be considered an extension of credit.
- b) A holder of an Owner's license may extend credit to a patron only in the manner(s) provided in its Internal Control System approved by the Administrator. System shall provide that:
- 1) Each credit transaction is promptly and accurately recorded in appropriate credit records;
 - 2) Extensions, redemptions, and other complimentary distribution programs transactions are promptly and accurately recorded; and
 - 3) Credit may be extended only in a commercially reasonable manner considering the assets, liabilities, prior payment history and income of the patron;
- 2) Policies and procedures for the authorization and issuance of check cashing privileges which shall ensure that all patrons who cash personal checks over \$500 establish check cashing privileges. These procedures shall include the approval process for establishing these privileges and setting check cashing limits;
- 4) Only the following checks may be cashed at a casino cage:
- A) Personal checks;
 - B) Cashier's checks;
 - C) Money orders;
 - D) Credit Card Advance Checks;
 - E) Traveler's checks; and
 - F) Wire transfer service checks.
- d) No credit shall be extended beyond thirty (30) days. In the event that a patron has not paid a debt created under this Section within thirty (30) days, a holder of an Owner's license shall not further extend credit to the patron while such debt is outstanding.
- e) A holder of an Owner's license shall be liable as an insurer, for all collection activities on the debt of a patron, whether such activities occur in the name of the owner or a third party.
- f) The holder of an Owner's license shall provide to the Administrator a monthly report detailing credit issued and outstanding, collection activities taken and settlements of all disputed checks and disputed credit card charges.

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- g) The value of Chips or Tokens issued to a patron upon the extension of credit, the receipt of a check or other instrument or via a complimentary distribution program shall be included in the computation of Gross Receipts.

(Source: Amended at 21 Ill. Reg. 4642, effective 1/1/84)

Section 3000.1070 Tips or Gratuities

- a) No gaming employee shall accept currency as a tip or gratuity from any patron.
- b) No Riverboat Gaming Operation Key Person, boxperson, floorperson, or any other employee who serves in a supervisory position shall accept any tip or gratuity from any player or patron of the Riverboat Gaming Operation where he is employed. No Riverboat Gaming Operation Key Person or employee shall solicit any such tip or gratuity. The holder of an Owner's license shall not permit any practices prohibited by subsection (a) above.

- c) All tips and gratuities given to dealers shall be:

- 1) Immediately deposited in a transparent locked box reserved for that purpose, except that:
 - A) One dollar Chips received as tips shall be either immediately deposited into the transparent locked box or permanently placed on the top of the Gaming table. Once the Chip tube is full, the floorperson shall witness the exchange of the one dollar Chips for a higher denomination Chip from the Chip rack. The higher denomination Chip will be immediately deposited into the transparent locked box and the one dollar Chips will be placed in the Chip Rack.
 - B) If Non-Value Chips are received at a roulette Roulette table, the marker button indicating their specific value shall not be removed from the slot or receptacle attached to the outer rim of the Roulette Roulette wheel until after a dealer in the presence of a supervisor has converted them into Value Chips which are immediately deposited in a transparent locked box reserved for the purpose;

- 2) Accounted for by a recorded count conducted by a randomly selected dealer and a randomly selected non-gaming employee;
- 3) Placed in a pool for pro rata distribution among the designated employees, dealers on a basis that coincides with the normal pay period with the distribution based upon the number of hours each dealer has worked. Tips or gratuities from this pool shall be deposited into the holder of an Owner's license's license's payroll account. Distributions to dealers from this pool shall be made following the holder of an Owner's license's license's payroll accounting practices and shall be subject to all

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- d) Upon receipt from a patron of a tip or gratuity, a dealer assigned to the Gaming table shall extend his arm in an overt motion and deposit such tip or gratuity in the transparent locked box reserved for such purpose.

(Source: Amended at 21 Ill. Reg. 4642, effective 1/1/84)

Section 3000.1071 Deposits of Admission Tax and Wagering Tax

- a) Each holder of an Owner's license shall maintain an account at a designated financial institution capable of handling electronic fund transfers. The holder of an Owner's license shall also maintain on deposit a minimum account balance sufficient to cover all tax liabilities due under the Act.
- b) Both the Admission and the Wagering Taxes shall be paid via an Electronic Funds Transfer (EFT) system employing an Automated Clearinghouse debit method (ACH-Debit).
- c) Wagering and admission tax payments shall be transferred to the Board's designated depository by 3:00 p.m. on the due date. Deposits will be deemed to have been made in a timely manner when the appropriate account number and the required tax payment information is provided to the Administrator no later than 12:00 p.m. Central time on the first day banks in Illinois are next open for business after the close of the business day upon which the liability was established.
- d) Each holder of an Owner's license shall, with the agreement of the Administrator, select a twenty-four (24) hour cycle that shall be defined as the gaming business day for the purpose of establishing the tax schedule and tax liability due dates. The due date for wagering and admission tax schedules and tax payments is defined as one business day after the close of the gaming day upon which the liability was established. For example, if the final cruise for Monday's business ends after midnight (Tuesday a.m.), the tax schedule and tax payment would be due on Wednesday.
- e) Minimum reporting requirements include daily number of admissions to Gaming excursions, Admission Taxes, daily Gross Receipts, Adjusted Gross Receipts and Wagering Tax and such other information as the Administrator may require on the tax schedule. The tax schedule Authorization forms and detailed instructions will be provided by the Administrator. The tax schedules must be filed with the Illinois Gaming Board no later than 12:00 noon on the due date.
- f) The Administrator will be responsible for calculating the allocation of the Admission and Wagering Tax between the State and the unit of local government designated as the home dock of the Riverboat. Payments will be made quarterly by voucher/warrant, subject to appropriation.

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- g) The excess of funds in the State Gaming Fund will be determined by the Board based upon the difference between the State Gaming Fund balance and outstanding obligations plus commitments at the end of each fiscal year. Commitments shall include any outstanding share of each year's wagering taxes due to the State's Gaming Fund generated by this Act, and any taxes generated by the Education Assistance Fund by vendor licensees' failure to comply with the provisions of this Act.

- h) Section may subject the owner, licensee, to penalty and interest pursuant to the Uniform Penalty and Interest Act (35 ILCS 735) and the rules adopted thereunder.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 11 1997.)

Section 3000.1072 Cash Reserve Requirements

Each holder of an Owner's License license shall maintain, in cash or cash equivalents, a cash reserve in an amount sufficient to protect patrons against defaults in Gaming debts owed by the holder of an Owner's License license. Cash equivalents are defined as all highly liquid investments with an original maturity of 3 months or less. The cash reserve requirements and any changes thereto shall be submitted in writing to the Administrator.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 11 1997.)

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section 3000.1110 Board Action Against Licensee or Licensee

When notified of facts sufficient to support the seizure of a gaming device under the Act and Section 3000.282 or disciplinary action against a licensee under the Act or Section 3000.110, the Board may order the seizure of a gaming device(s) or take disciplinary action against a licensee. If the Board orders the seizure of a gaming device(s) or takes disciplinary action, it shall immediately notify the holder of the seized gaming device(s) of the seizure or the licensee of the disciplinary action taken. Notification shall be by certified mail or personal delivery. Included with such notification shall be a complaint for either seizure or disciplinary action.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 11 1997.)

Section 3000.1115 Complaint

The complaint shall include a statement of facts supporting the seizure or disciplinary action and the rule or statutory section with violation of which

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the licensee is being charged. The complaint shall be accompanied by a certificate of service demonstrating the date of service.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 11 1997.)

Section 3000.1120 Appearances

- a) A licensee may be represented by an attorney who is licensed in Illinois. All attorneys who appear in a representative capacity on behalf of a licensee must file written notice of appearance setting forth:

- 2) The name, address and telephone number of the attorney(s);
- 3) The name and address of the licensee represented; and
- 4) An affirmative statement indicating that the attorney is licensed in Illinois.

- b) Only individual attorneys may file appearances. Any attorney who has not filed an appearance may not address the hearing officer or sign pleadings.

- c) A member in good standing of the bar of the highest court of any state or of any United States District Court may, upon motion, be permitted to argue or conduct a hearing in whole or in part.

- gd) An attorney may only withdraw his appearance upon written notice to the hearing officer.

- de) A licensee may appear on his own behalf.

- gf) A partnership may be represented by a partner.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 11 1997.)

Section 3000.1126 Appointment of Hearing Officer

The Chairman of the Board may appoint a Board member or an Administrative Law Judge to conduct a hearing in accordance with this Subpart. If designated, the Administrator may appoint an Administrative Law Judge to conduct a hearing in accordance with this Subpart.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 11 1997.)

Section 3000.1130 Discovery

- a) Upon written request served on the opposing party, a party shall be entitled to:

- 1) The name and address of any witness who may be reasonably expected to testify on behalf of the opposing party; and
- 2) All documents or other materials in the possession or control of the opposing party, which the opposing party reasonably expects

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- will be necessary to introduce into evidence. The licensee's burden of production includes those documents the licensee reasonably expects to introduce into evidence either in his case-in-chief or in a rebuttal case.
- b) Discovery may be obtained only through written requests to produce witness lists, documents or other materials, as specified in subsection (a) of this Section. Witnesses and documents responsive to a proper request for production that were not produced shall be excluded from the hearing and additional sanctions or penalties may be imposed.
- c) Subpoenas for the attendance of witnesses may be served by the licensee only upon application to the hearing officer:
- 1) The licensee must show good cause why the testimony to be elicited from a witness, why the evidence to which the testimony relates, cannot otherwise be obtained, and state the reasons why the testimony is necessary and relevant.
 - 2) An agent or employee of the Board may not be required to appear except under the procedures provided in this Section.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 11 1997)

Section 3000.1135 Motions for Summary Disposition

The hearing officer may recommend the granting or denial of a directed-finding or summary judgment motion upon the filing of an appropriate motion by any party. A recommendation for denial of a summary judgment motion shall not be considered by the Board until the completion of proceedings held pursuant to Section 3000.1140.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 11 1997)

Section 3000.1139 Subpoena of Witnesses

- a) Subpoenas for the attendance of witnesses at hearings may be served by the Petitioner only upon application to the hearing officer.
- 1) The Petitioner must show good cause, state the testimony to be elicited from a witness, state why the evidence to which the testimony relates cannot otherwise be obtained, and state the reasons why the testimony is necessary and relevant.
 - 2) An agent or employee of the Board may not be required by the Petitioner to appear except under the procedures provided in this Section.
 - b) The Chief Counsel of the Board or the Administrator may issue subpoenas for the attendance of witnesses or subpoenas duces tecum for the production of relevant documents, records or other material at a proceeding conducted under this Subpart K.

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(Source: Added at 21 Ill. Reg. 4642, effective APR 11 1997)

Section 3000.1155 Transmittal of Record and Recommendation to the Board

- a) The record shall consist of the following:
- 1) The Complaint, the Answer and all motions and rulings thereon;
 - 2) All evidence received;
 - 3) A statement of matters officially noticed;
 - 4) Offers of proof, objections and rulings thereon;
 - 5) The recommendations and any findings of fact and conclusions of law made by the hearing officer.
- b) Oral proceedings or any part thereof involving contested issues shall be recorded stenographically or by such other means as to adequately insure the preservation of such testimony or oral proceedings and shall be transcribed on request of any party. Said transcript shall be paid for by the requesting party.
- c) Upon conclusion of the hearing, the hearing officer shall issue to the Board and the licensee written findings of fact and conclusions of law and his recommendation as to seizure or disciplinary action. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.
- d) Final Board Order
- 1) The Board shall review the entire record and shall render a written order including the bases for its decision.
 - 2) Copies of the final Board order shall be served on a licensee by personal delivery, certified mail or overnight express mail.
 - 3) A final Board order shall become effective upon personal delivery to a party or upon posting by certified or overnight-express mail.

(Source: Amended at 21 Ill. Reg. 4642, effective APR 11 1997)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Commercial Fishing and Musseling in Certain Waters of the State
- 2) Code Citation: 17 Ill. Adm. Code 830
- 3) Section Numbers:
- | | |
|------------|-----------------|
| 830.10 | Adopted Action: |
| Amendments | |
| 830.20 | Amendments |
| 830.30 | Amendments |
| 830.40 | Amendments |
| 830.60 | Amendments |
| 830.70 | Amendments |
| 830.80 | Amendments |
| 830.90 | Amendments |
- 4) Statutory Authority: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5].
- 5) Effective Date of Rulemaking: April 1, 1997
- 6) Does this rulemaking contain an automatic renewal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: March 31, 1997
- 9) Notice of Proposal Published in Illinois Register: December 27, 1996, 20 Ill. Reg. 16055
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between Proposal and final version:
- In the Authority Note, "and" was added between "20-35" and "25-5".
- In Section 830.10(a), "waters" was capitalized.
- In Section 830.30(d), "Lock and Dam 18" was changed to "Lock and Dam 19".
- In Section 830.30(e)(2), a comma was added following "conditions".
- In Section 830.80(c)(2), "Life" was added before "Code".
- In Section 830.90(d), the apostrophe following "Resources" was removed.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments to this Part were proposed to provide needed protection for several species of fish and mussels and to standardize regulations on boundary waters shared with neighboring states.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER 1: FISH AND WILDLIFE

PART 830

COMMERCIAL FISHING AND MUSSELING IN CERTAIN WATERS OF THE STATE

- Section
830.5 Definitions
830.10 Waters Open to Commercial Harvest of Fish
830.20 Waters Open to Commercial Harvest of Mussels and Seasons
830.30 Special Regulations
830.40 Devices
830.50 Permission
830.60 Species
830.70 Size Limit
830.80 Commercial Fishing and Musseling in Additional Waters
830.90 Revocation and Suspension of Commercial Fishing and Musseling
Privileges, Hearings and Appeals and Reporting Requirements

AUTHORITY: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5].

SOURCE: Adopted at 5 Ill. Reg. 6809, effective June 16, 1981; codified at 5 Ill. Reg. 10648; emergency amendment at 6 Ill. Reg. 6468, effective May 18, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 10680, effective August 20, 1982; amended at 7 Ill. Reg. 2707, effective March 2, 1983; amended at 10 Ill. Reg. 6926, effective April 15, 1986; amended at 11 Ill. Reg. 9513, effective May 5, 1987; amended at 12 Ill. Reg. 11714, effective June 30, 1988; amended at 15 Ill. Reg. 8544, effective May 24, 1991; amended at 16 Ill. Reg. 5257, effective March 20, 1992; amended at 17 Ill. Reg. 3177, effective March 2, 1993; emergency amendment at 18 Ill. Reg. 4671, effective March 14, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 9985, effective June 21, 1994; amended at 19 Ill. Reg. 5250, effective March 27, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 4700, effective _____.

Section 830.10 Waters Open to Commercial Harvest of Fish

- a) Mississippi River and adjacent backwaters including that portion of the Kaskaskia River below the navigation lock and dam, except Quincy Bay, including Quincy Quincy Bay Waterfowl Management Area, Spring Lake in the Upper Mississippi River Wildlife and Fish Refuge and Mark Twain U.S. Fish and Wildlife Service National Wildlife Refuge Waters (except by special permit); waters, but includes that portion of the Kaskaskia River below the navigation lock and dam.

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- b) Illinois River and adjacent backwaters from Route 89 highway bridge downstream, except for:

- 1) U.S. Fish and Wildlife National Wildlife Refuge waters;
 - 2) Dometilly/Deque Fish and Wildlife Area;
 - 3) Mice Lake Complex, including all of Big Lake; and
 - 4) Metredosa Lake in Cass and Morgan Counties during duck season.
- c) Wabash River.
- d) Wabash River, except from Route 130 in Coles County upstream to Route 16 including Lake Charleston.
- e) Saline River downstream of Bell Route 48 southwest of Decatur to mouth in Cass County.
- f) Kaskaskia River south of Route U.S. 50 Bridge to mouth in Randolph County.
- g) Little Wabash River.
- h) Big Muddy River south of State Route 14 highway bridge in Franklin County to mouth in Jackson County.
- i) Skillet Fork.
- j) Cache River from Route 51 downstream to the Mississippi River via Cache Diversion Channel but not including that portion of the Cache River between the Cache Diversion Channel Levee and the Ohio River.
- k) Saline River in Gallatin and Saline counties.
- l) Ohio River.

(Source: Amended at 21 Ill. Reg. 4700, effective _____.)

Section 830.20 Waters Open to Commercial Harvest of Mussels and Seasons

- a) Mississippi River and backwaters, April 15 to August 31 inclusive, except for the following areas:

- 1) All of the area directly above Lock and Dam 12 (RM 556.7) from the center of the navigation channel east to the Illinois shoreline and northward to a line extending from RM 558.4 to the Blanding's Landing boat ramp, including but not limited to all of the area contained within the designated U.S. Military Reservation area.

- 2) All of the waters contained within Sylvan Slough from the Interstate 74 highway bridge (RM 495.8) west to the lower tip of Arsenal Island (RM 482.6).

- 3) All of the area north of and perpendicular to the center line of the navigation channel to the Illinois shoreline lying between RM 433.0 (New Boston Boat Launching Ramp) to RM 431.8 (lower tip of the first upstream island along the Illinois shoreline).

- 4) Pontoon Bay contained within and described as that area from the center of the main navigation channel and perpendicular to the Illinois shoreline located between RM 388.0 (Pontoon Bay light and daymark) and RM 390.2 (Dallas City boat access area).

- 5) All of the area southward of the center of the navigation

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channel and perpendicular to the Illinois shoreline on a line from the Des Moines River daymark (Iowa side) and the Des Moines River lighted buoy (Illinois side), both of which are at RM 361.7, to Lock and Dam 19 (RM 364.5) including any slough channels of the Mud Island area along the Illinois side.

5) All of the area east of the center of navigation channel and perpendicular to the Illinois shoreline between RM 314.0 (Whitney light and daymark) and RM 316.0 (Hadley Island Goale light and daymark).

7) All of the area east of the center of navigation channel and perpendicular to the Illinois shoreline between River Mile 238.4 (Hasting's Landing light and daymark) and River Mile 246.8 (Turner Landing light and daymark).

8) Mark Twain U.S. Fish and Wildlife Service National Wildlife Refuge Waters.

b) Ohio River and backwaters, April 15 to September 30 inclusive.

(Source: Amended at 21 Ill. Reg. 4700, effective APR 11 1974)

Section 830.30 Special Regulations

a) Commercial fishing and musseling will not be permitted in any streams, ditches, or tributaries connected to the backwaters of the aforementioned waters.

b) Any person harvesting mussels for commercial use may possess during the open season only those mussels identified in Section 830.60 of legal size. Mussels smaller than the legal size and all mussels not identified in Section 830.60 must be immediately returned to the musseling bed or location from which they were taken.

c) It shall be unlawful to possess mussels other than those identified in Section 830.60 without a valid musseling license. This shall be in addition to the provisions of Section 830.60.

d) Paddlefish may not be commercially harvested except in the Ohio River, the Illinois River below Route 89, and in the Mississippi River below Lock and Dam 19.

e) Commercial fishing devices must be checked and emptied of catch at the following time intervals:

- 1) Hoop nets and basket traps must be attended at least once every 48 hours during open water conditions. During ice cover conditions, hoop nets and basket traps must be attended at least once every 20 days.
- 2) Trammel and gill nets must be attended at least every 24 hours during open water conditions. During ice cover conditions, trammel and gill nets must be attended at least every 96 hours.
- 3) Trotlines and other hook and line devices must be checked at least every 24 hours.
- 4) Seines and trammel or gill nets fished by drifting or drifting methods must be constantly attended.

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5) Commercial gear containing dead or moribund fish as a result of failure to check gear and empty catch shall be considered an illegal device.

(Source: Amended at 21 Ill. Reg. 4700, effective APR 11 1974)

Section 830.40 Devices

a) Commercial fishing devices used in the aforementioned waters shall conform to all regulations as outlined in Article 15 of Chapter 56 of the Illinois Revised Statutes. Hoop nets, basket traps, trot lines and dip nets may be used in all of the aforementioned waters.

b) It shall be unlawful:

- 1) to use trammel nets and gill nets except in the Illinois River up to Route 89 Highway bridge and the Mississippi River.
- 2) to use seines except in the Illinois, Mississippi, Ohio and Western Rivers except seining will not be permitted in Boston Bay and its connected backwaters above the mouth of Boston Bay in Mercer County.

c) Musseling devices used in waters open to commercial musseling shall conform to all regulations as outlined below in Articles 1 and 15 of 515 ILCS 5. Handpicking, crowfoot-bars and hand-forks may be used in all waters listed in Section 830.60 above.

d) It shall be unlawful to use hand forks except in the Mississippi River.

e) It shall be unlawful to use basket dredges, mechanical devices and hand dredges in the taking of mussels.

f) It shall be unlawful to harvest mussels in the Ohio River except by using crowfoot-bars.

g) It shall be unlawful to tether or hold mussels in any containment device. Mussels must be taken to the boat or released each day.

h) Brail or crowfoot bars must be 20 feet or less in length. Not more than 3 bars may be possessed in each boat.

(Source: Amended at 21 Ill. Reg. 4700, effective APR 11 1974)

Section 830.60 Species

a) The following species of fish may be taken by licensed commercial fishermen:

- 1) Carp
- 2) Buffalo
- 3) Freshwater drum
- 4) Catfishes (includes bullheads)
- 5) Paddlefish (only in waters specified in Section 830.30)
- 6) Carpsuckers

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- 7) Suckers (except Longnose Sucker)
 8) Redhorses (except River Redhorse and Greater Redhorse)
 9) Goideye and Mooneye
 10) Gar (except alligator gar)
 11) Bowfin
 12) American muskel
 13) Shorenose sturgeon
 14) Gizzard shad
 15) White amur (grass carp)
 16) Catfish
 17) Goldfish
 18) Bluntnose Carp and Silver Carp

- b) The following species of muskels may be taken by licensed commercial fishermen:
- 1) Washboard (Megalomias nervosa)
 - 2) Threeridge (Ambloplites plicatus)
 - 3) Mapleleaf (Quadrula quadrula)
 - 4) Pimpleback (Quadrula pustulosa)
 - 5) Monkeyface (Quadrula menervana)
 - 6) Wartback (Quadrula nodulata)
 - 7) Pigtoe (Fusconaia flava form undata)
 - 8) Hickory Nut (Obovaria olivaria)
 - 9) Pink Heelsplitter (Potamilius alatus)
 - 10) Pocketbook (Lampsilis ovata)
 - 11) Black Sandshell (Ligumia recta)

(Source: Amended at 21 Ill. Reg. 4700, effective 4700)

Section 830.70 Size Limit

- a) No channel catfish, blue catfish, flathead catfish or white catfish under 15 inches in length, undressed, or 12 inches in length, dressed, or 10.7 inches when dressed with the first vertebrae (T bone) removed, may be taken.
 b) There is no size limit on other species listed in Section 830.60(a).
 c) All Washboard muskels shall measure not less than 4.0 inches. All relic (dead) Washboards shall measure not less than 4.0 inches.
 d) All Threeridge and maple leaf muskels shall measure not less than 2.75 inches.
 e) All other muskels listed in 830.60(b), shall measure not less than 2.5 inches.

(Source: Amended at 21 Ill. Reg. 4700, effective 4700)

Section 830.80 Commercial Fishing and Musseling in Additional Waters

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- a) Additional waters may be open to commercial fishing or musseling by a contract for removal. Any licensed commercial fisherman or musseler who wishes to fish in any water not listed under Section 830.10 or 830.20 must request permission from the Division of Fisheries. The Division will determine whether the fish or mussel resource can support such activity and whether the activity is in the best interests of the general public. If so, the Department shall issue a contract for removal specifying the type of gear, season, species of fish or mussel that shall be removed, and any other regulations as shall be necessary to protect the resource.
 b) The standards for determining whether or not an additional fishery will be open to commercial fishing or musseling shall include: a determination of the commercial fish or mussel population; a biological sampling of the commercial fish or mussel; an assessment of the relative abundance of the species present; an assessment of the impact of commercial fishing or musseling gear on sport fish or mussel populations; a determination of the impact of commercial fishing or musseling activities on other water-based recreation; a determination of whether the fish are safe for public consumption (U.S. Food and Drug Administration standards are followed (USFDA 21, CFR 109.30, 1986) (No incorporation in this Part includes later amendments or editions)); and a fair and equitable allocation of commercial fishing or musseling opportunities.
 c) Commercial fishing contracts will not be issued:
 1) for non-commercial purposes; or
 2) if an individual has been found guilty of a violation of a State Fish and Aquatic Life Code law or 17-III-Adm-Code-036 this Part during the past twelve months.

(Source: Amended at 21 Ill. Reg. 4700, effective 4700)

Section 830.90 Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements

- a) In accordance with Section 20-105 of the Fish and Aquatic Life Code (44-Rev-Stat-1997-CH-567-par-20-105) [515 ILCS 5/20-105], failure to comply with the provisions of the Fish and Aquatic Life Code of Illinois pertaining to commercial fishing and/or musseling in Illinois waters, and this part will result in suspension or revocation of the commercial fishing and/or musseling licenses. The procedure by which suspensions and revocations are made, the rights of commercial fishermen and musselers to notice and hearing, and the procedures governing such hearings are set forth in 17 Ill. Adm. Code 2530 (Rules governing Department Formal Hearings Conducted for Rule-Making and Contested Cases).

- b) Waters of the State are open to commercial fishing or musseling by contract, the contract will be revoked upon failure of the contractor to comply with all terms of the contract. Furthermore, any

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violation of a contract issued by the Director of Conservation or his agents shall be considered a violation of this Administrative Order and subject to the penalties as set forth in Sections 20-35 and 20-105 of the Fish and Aquatic Life Code (210 ILCS 5/20-35, 20-105).

c) Commercial fishermen shall submit an accurate annual record of the undersized weights of the species of fish harvested to the Department by January 31 of the following year, whether or not any fish were harvested.

d) Holders of a commercial mussel harvest license shall submit an accurate record of the types and pounds of each species of mussel and/or relic mussel shells harvested or purchased on a monthly basis during the season by the 10th of each month following harvest, whether or not any mussels or mussel shells were harvested. Reports must be submitted on official Department of Natural Resources report forms.

e) Holders of a commercial mussel dealer's license shall submit an accurate record of the types and pounds of each species of mussel and/or relic mussel shells purchased on a monthly basis during the season by the 10th of each month following purchase, whether or not any mussels or mussel shells were purchased. Reports must be submitted on official Department of Natural Resources report forms. f) Failure of licensed commercial mussel dealers, fishermen or musselors to submit the required harvest reports in a manner and time frame specified by the Department shall be grounds for refusal on the part of the Department to issue said individuals a license application for the following year until all required reports are received by the Department.

(Source: Amended at 21 Ill. Reg. _____, effective _____, 4700, APR 11 1997)

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1) Heading of the Part: Sport Fishing Regulations for the Waters of Illinois

2) Code Citation: 17 Ill. Adm. Code 810

3) Section Numbers: Adopted Action:

810.35 Amendments

810.37 Amendments

810.45 Amendments

810.50 Amendments

810.60 Repealed

810.70 Amendments

810.90 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5]

5) Effective Date of Rulemaking: 01-01-01

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date filed in Agency's Principal Office: March 31, 1997

9) Notice of Proposal Published in Illinois Register: December 27, 1996, 20 Ill. Reg. 16064

10) Has JCAB issued a Statement of Objections to these rules? No

11) Difference(s) between PROPOSAL and final version: In Section 810.37(b)(40), the symbol for inches was replaced with "inches".

In Section 810.45, Indian Boundary, "Daily" was changed to "Daily".

In Section 810.45, Lake Michigan, "No more than 3 fish" was changed to "No more than 5 fish".

In Section 810.45, Rock River Basin, a comma was added following "Detour".

Section 810.90(a)(3) was changed to read as follows:

3) Special exemption to the site specific regulations for daily creel and size limit (not to exceed the statewide statutory limits) is requested for:

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- A) catch, hold for weigh-in, and release tournaments for muskies (all waters), or small mouth bass (streams only - except that the Mississippi, Ohio and Wabash Rivers are not eligible for permits which exempt participants from site specific daily catch and size limits); and
- B) special fishing tournaments/events for children under 16, for disabled persons, or for adults over 65.

In Section 810.90(c)(5)(A), "must" was changed to "will be required to".

Language in Section 810.90(c)(5)(B) was removed and the subsequent subsections relabeled.

In Section 810.90(c)(6), the spelling of "criteria" was corrected.

- 12) Have all the changes agreed upon by the AGENCY and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments ending on this Part? No

15) Summary and Purpose of Rulemaking: Amendments to this Part were made to change catch and size limits; site specific fishing regulations by fish species group; bait fishing regulations; and fishing tournament permits language concerning statewide regulations for bullfrogs is deleted and will be regulated by 17 Ill. Adm. Code 800.

- 16) Information and questions regarding these adopted amendments shall be directed to: Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 810

SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS

Section	Sale of Fish and Fishing Seasons
810.10	Snagging
810.20	Pole and Line Fishing Only (Repealed)
810.30	Statewide Sportfishing Regulations - Daily Catch and Size Limits
810.35	Definitions for Site Specific Sportfishing Regulations
810.37	Daily Catch and Size Limits (Repealed)
810.40	Site Specific Water Area Regulations
810.45	Bait Fishing
810.50	Bullfrogs (Repealed)
810.60	Free Fishing Days
810.70	Emergency Protective Regulations
810.80	Fishing Tournament Permit
810.90	Bed Protection
810.100	

AUTHORITY: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-5, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-5, 20-5, 20-35 and 25-5].

SOURCE: Adopted at 5 Ill. Reg. 751, effective January 8, 1981; codified at 5 Ill. Reg. 10647; amended at 6 Ill. Reg. 342, effective December 7, 1981; amended at 6 Ill. Reg. 741, effective June 1, 1982; amended at 7 Ill. Reg. 203, effective December 22, 1982; 8 Ill. Reg. 16769, effective August 30, 1984; amended at 8 Ill. Reg. 3821, effective March 13, 1985; emergency amendment January 23, 1985; amended at 9 Ill. Reg. 3821, effective March 13, 1985; emergency amendment January 23, 1985; amended at 9 Ill. Reg. 14291, effective September 5, 1985; amended at 9 Ill. Reg. 4835, effective March 6, 1986; amended at 11 Ill. Reg. 4638, effective March 10, 1987; amended at 12 Ill. Reg. 6981, effective April 4, 1988; for a maximum of 150 days; emergency expired September 1, 1988; emergency amendment at 12 Ill. Reg. 10525, effective June 7, 1988, for a maximum of 150 days; emergency expired November 4, 1988; amended at 12 Ill. Reg. 15982, effective September 27, 1988; amended at 13 Ill. Reg. 8419, effective May 19, 1989; emergency amendment at 13 Ill. Reg. 12643, effective July 14, 1989, for a maximum of 150 days; emergency expired December 11, 1989; emergency amendment at 13 Ill. Reg. 14085, effective September 4, 1989, for a maximum of 150 days; emergency expired February 1, 1990; emergency amendment at 13 Ill. Reg. 15118,

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effective September 11, 1989, for a maximum of 150 days; emergency expired February 8, 1990; amended at 14 Ill. Reg. 6164, effective April 17, 1990; emergency amendment at 14 Ill. Reg. 6865, effective April 17, 1990, for a maximum of 150 days; emergency expired September 19, 1990; amended at 14 Ill. Reg. 8588, effective May 21, 1990; amended at 14 Ill. Reg. 16863, effective October 1, 1990; amended at 15 Ill. Reg. 4699, effective March 18, 1991; emergency amendment at 15 Ill. Reg. 5430, effective March 27, 1991, for a maximum of 150 days; emergency expired August 24, 1991; amended at 15 Ill. Reg. 9377, effective June 24, 1991; amended at 15 Ill. Reg. 13347, effective September 3, 1991; amended at 16 Ill. Reg. 5267, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 6016, effective March 25, 1992, for a maximum of 150 days; emergency expired August 22, 1992; amended at 16 Ill. Reg. 12556, effective July 28, 1992; amended at 17 Ill. Reg. 3853, effective March 15, 1993; emergency amendment at 17 Ill. Reg. 5915, effective March 23, 1993, for a maximum of 150 days; emergency expired August 22, 1993; amended at 17 Ill. Reg. 10806, effective July 1, 1993; amended at 18 Ill. Reg. 3277, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 8667, effective March 25, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 12652, effective August 9, 1994; amended at 19 Ill. Reg. 2396, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5284, effective April 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10614, effective July 1, 1995; amended at 20 Ill. Reg. 4640, effective March 6, 1996; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 21 Ill. Reg. 9389; amended at 21 Ill. Reg. 4703, effective ~~April 11, 1997~~.

Section 810.35 Statewide Sportfishing Regulations - Daily Catch and Size Limits

- Length is measured from the tip of the snout to the end of the tail with the fish laid flat on a ruler, with the mouth of the fish closed and the tail lobes pressed together.
- No fish species may be dressed (fileted or head and tail removed) on any waters to which length limits are applicable. Regardless of where taken, no fish less than the specified minimum length or more than the daily catch shall be possessed on the waters to which length limits and/or daily catch limits apply.
- Statewide limits by type of fish:
 - CHANNEL CATFISH
There are no daily catch or size limits except in those waters listed under Site Specific Regulations.
 - LARGemouth BASS, SMALLmouth BASS, SPOTTED BASS
Daily catch limit is 6 bass, either singly or in the aggregate, except as specified under Site Specific Regulations. In streams and rivers (excluding the mainstem of the Mississippi, Ohio and Mahoning Rivers) the daily creel can contain no more than 3 smallmouth bass. There is no statewide size limit except in those waters listed under Site Specific Regulations.

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- MUSKELLUNGE, NORTHERN PIKE AND THEIR HYBRIDS
A) All muskellunge and muskellunge hybrids (tiger muskie) taken must be 36 inches in total length or longer, except as specified under Site Specific Regulations.
B) No more than 1 muskellunge or muskellunge hybrid (tiger muskie), either singly or in the aggregate, may be taken per day, except as specified under Site Specific Regulations.
C) All northern pike taken must be 24 inches in total length or longer, except in the Mississippi River and Ohio River where there is no size limit.
D) No more than 3 northern pike may be taken per day, except as specified under Site Specific Regulations.
- CRAPPIE (WHITE, BLUE, OR HYBRID CRAPPIE)
There are no catch or size limits except in those waters listed under Site Specific Regulations.
- BROOKLIN and KENDRA SUNFISH
There are no catch or size limits except in those waters listed under Site Specific Regulations.
- STRIPED BASS (JACKSON ROCKFISH), WHITE BASS AND CYPRIDS
There are no daily catch or size limits except in those waters listed under Site Specific Regulations. White bass, and their hybrids, which are less than 17 inches in total length, except those waters listed under Site Specific Regulations. For those fish 17 inches in total length or longer, the daily limit is 3 fish, either singly or in the aggregate.
- TROUT AND SALMON
Daily catch limit is 5 trout or salmon, either singly or in the aggregate.
- WALLEYE, SAUGER OR THEIR HYBRID
Daily catch limit is 6 walleye, sauger or their hybrid, either singly or in the aggregate, except in those waters listed under Site Specific Regulations. There is no size limit except in those waters listed under Site Specific Regulations.
- RIVER RUFFE
There are no catch or size limits. Possession of living river ruffe is prohibited.
- GOBIES (ROUND, TURBINOSE)
There are no catch or size limits. Possession of living gobies is prohibited.
- RUSTY CRAYFISH
Possession of living rusty crayfish is prohibited for all except the holders of an approved amateur permit with a letter of authorization to import/possess this species.
(Source: Amended at 21 Ill. Reg. 4703, effective April 11, 1997)

Section 810.37 Definitions for Site Specific Sportfishing Regulations

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- a) Site Specific Regulations are listed by water area affected. The coverage of the regulation is dictated by the extent of the water area listed and not by the county. In some cases, regulations for a given water area listed may extend beyond the county (ies) listed. The county (ies) listed may refer to the location of the dam or outfall for the water area. The regulation may apply to the water area upstream or upstream flow through many counties the term "Multiple" is used rather than listing all counties where the large stream or river flows.
- b) The subsections listed below are referred to by number. In Section 810.45, Each water area listed in Section 810.45 has numbers in parenthesis which explain all of the definitions in this Section which apply to that water area.
- 1) Anglers must not use more than 2 poles and each pole must not have more than 2 hooks or lures attached while fishing, except that legal size cast nets, (in accordance with subsection 810.50(a)(1)) shad scoops, and minnow seines may be used to obtain shad, minnows, and crayfish to use as bait, provided that they are not sold.
 - 2) Possession of yellow perch under 8 inches in total length or over 10 inches in total length is prohibited. Only yellow perch 8 to 10 inches in total length may be harvested. Includes white-black-or-hybrid-creepier-singly-or-in-the-aggregate.
 - 3) All largemouth and smallmouth bass taken must be less than 12 inches in total length or greater than 15 inches in total length.
 - 4) Except that sport fishermen shall be allowed to use trotlines and jugs, and except that the use and aid of underwater breathing devices is prohibited. West of Wolf Creek Road, fishing from boats is permitted all year. Trotlines/jugs must be removed from boats until sunset from Memorial Day through Labor Day. East of Wolf Creek Road, fishing from boats is permitted from March 15 through September 30. Fishing from the bank is permitted all year only at the Wolf Creek and Route 148 causeways. On the entire lake, jugs and trotlines must be checked daily and must be removed on the last day they are used. It is illegal to use portable weights and must be removed on the last day they are used. The taking of carp and buffalo with bow and arrow is permissible.
 - 5) Except that sport fishermen may take carp, carpsuckers, buffalo, gar, bowfin and suckers by pitchfork, gigs, bow and arrow or bow and arrow devices.
 - 6) Including the Fox River south of the Illinois-Wisconsin line to the McHenry Dam.
 - 7) Except that sport fishermen may take carp, buffalo, suckers and gar by bow and arrow or bow and arrow devices, gigs or spears during May and June.
 - 8) Daily catch limit includes Striped Bass, White Bass, Yellow Bass and Hybrid Striped Bass either singly or in the aggregate.

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- 9) Catch and Release Fishing Only means that fish (all or identified species) caught must be immediately released alive and in good condition to the water from which it came.
- 10) It shall be illegal to possess trout during the period of October 1 to 5 a.m. on the third Saturday in October (both dates inclusive) which were taken during that period.
- 11) It shall be illegal to possess trout during the period of March 15 to 5 a.m. on the last Saturday in April (both dates inclusive) which were taken during that period.
- 12) Daily catch limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 6 fish per day, no more than one of which shall be greater than 15 inches in length and none of which shall be greater than 12 inches and less than or equal to 15 inches in length.
- 13) Except that jug fishing is permitted from the hours of sunset to sunrise, and except that carp and buffalo may be taken by bow and arrow devices from May 1 through September 30. All jugs must have owner's/user's name and complete address affixed.
- 14) Daily catch limit includes all fish species (either singly or in the aggregate) caught within each of the following fish groupings.
 - A) Largemouth or Smallmouth Bass
 - B) Walleye, Sauger, or their hybrid
 - C) Bluegill or Redear Sunfish
- 15) Daily catch limit includes white, black, or hybrid crappie either singly or in the aggregate.
- 16) Daily catch limit includes Striped Bass, White Bass and Hybrid Striped Bass either singly or in the aggregate.
- 17) Daily catch limit shall not exceed 10 fish daily, no more than 3 of which may be 17 inches or longer in length.
- 18) Except that sport fishermen shall be allowed to use trout lines, jugs and bank poles in the portions of the lake that lie north of the Davenport Bridge and northeast of the Parnell Bridge.
- 19) No fishing within 250 yards of an occupied waterfowl blind (within the hunting area) on all Department-owned or -managed sites.
- 20) Carlyle Lake (including its tributary streams and those portions of the Kaskaskia River and Hurricane Creek up the U.S. Army Corps of Engineers Carlyle Lake Project boundaries), U.S. Army Corps of Engineers, Bond, Clinton, and Fayette Counties.
- 21) Lake Shelbyville (including its tributary streams and those portions of the West Okaw and Kaskaskia Rivers up to Lake Shelbyville Project boundaries), Lake Shelbyville Project-Fonds and Woods-Baker U.S. Army Corps of Engineers, Shelby and Moultrie Counties.
- 22) Rend Lake (including its tributary streams and those portions of the Big Muddy and Casey Fork Rivers up to the Rend Lake Project boundaries), Rend Lake Project Ponds, U.S. Army Corps of

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- Engineers, Franklin and Jefferson Counties.
- 23) Lake Vermillion and the portion of the North Fork of the Vermillion River between the Lake Vermillion Dam and the Interstate Water Company's Pump Station Spillway, Vermillion County Conservation District, Vermillion County.
- 24) 10 fish daily creel limit of which no more than 6 may be walleye.
- 25) Daily catch limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 3 fish per day, no more than one of which may be equal to or greater than 15 inches in total length and no more than 2 of which may be less than 15 inches in length.
- 26) Lake Vermillion - Trot line and jug fishing allowed north of Boiling Springs Road.
- 27) Except that bank fishing is prohibited. Boat fishing is permitted from the next to last Saturday in April until the second Sunday in October, during the hours of 6:00 a.m. to 10:00 a.m. and 3:00 p.m. to 8:00 p.m.
- 28) Except that trotlines may be set within 300 feet from shore.
- 29) Except that carp, buffalo, suckers and carp suckers may be taken by means of pitchfork and gigs (no bow and arrow devices).
- 30) Fishing is permitted from March 15 through September 30, both dates inclusive, from sunrise to sunset. Fishing during all other times of the year is illegal and not permitted.
- 31) Daily catch limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 3 fish daily, no more than one of which may be equal to or greater than 15 inches in total length and no more than 2 of which may be less than 12 inches in total length.
- 32) Daily catch limit includes Striped Bass, White Bass, Yellow Bass and Hybrid Striped Bass, either singly or in the aggregate, no more than 4 of which may be 15 inches or longer in length.
- 33) It shall be unlawful to enter upon a designated waterfowl hunting area during the 7 days prior to the waterfowl season, or to fish on such areas during the regular waterfowl season except in areas posted as open to fishing. It shall be unlawful to enter upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of the regular waterfowl season through the end of waterfowl season.
- 34) Except that sport fishermen may take carp, buffalo, suckers and gar by bow and arrow or bow and arrow devices, gigs, or spears from May 1 through August 31.
- 35) Daily catch limit for Walleye, Sauger, or Hybrid Walleye, singly or in the aggregate, shall not exceed 3 fish daily, no more than one of which may be greater than 24 inches in total length and no more than 2 of which may be less than 18 inches in total length and greater than or equal to 14 inches in total length.
- 36) Except that sport fishermen may not use a minnow seine for bait collecting in Cook County Forest Preserve District Waters (except

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- in the Des Plaines River).
- 37) All largemouth and smallmouth bass taken must be less than 12 inches in total length or greater than 16 inches in total length. Only 1 bass greater than 16 inches and 2 bass less than 12 inches may be taken in the creel daily.
- 38) All largemouth and smallmouth bass taken must be less than 14 inches in total length or greater than 18 inches in total length. Only 1 bass greater than 18 inches and 5 bass less than 14 inches may be taken in the creel daily.
- 39) Persons who shall be allowed to take all waterfowl hunters, and closed to hunting, shall be closed for 15 days following the waterfowl season.
- 40) The 48 inch total length limit on pure muskellunge applies to that body of water listed as well as any tailwaters as defined below.
- Evergreen Lake (McLean County) - including the portion of Six Mile Creek below the Evergreen Lake Dam downstream to its confluence with the Mackinaw River.
- Fox Chain O' Lakes (Lake/McHenry Counties) - including those portions of the Fox River below the McHenry Dam downstream to the Route 176 Bridge and upstream to the Wisconsin - Illinois State line.
- Kinkaid Lake (Jackson County) - including the portion of Kinkaid Creek below the Kinkaid Lake Dam downstream to the Route 149 Bridge.
- Lake Shelbyville (Moultrie/Shelby Counties) - including the portion of the Kaskaskia River below the Lake Shelbyville Dam downstream to the State Route 128 Road Bridge near Cowden.
- Lake Vermillion (Vermillion County) - including the portion of the North Fork of the Vermillion River below the Lake Vermillion Dam downstream to its confluence with the Vermillion River.
- Otter Lake (Macoupin County) - including the portion of Otter Creek below Otter Lake Dam downstream to its confluence with East Otter Creek.
- Pierce Lake (Winnebago County) - including the portion of Willow Creek below the Pierce Lake Dam downstream to Forest Hills Road.
- Shabbona Lake (DeKalb County) - including that portion of Indian Creek below the Shabbona Lake Dam downstream to Shabbona Grove Road.

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- 3 Fish Daily Creel Limit
- 25 Fish Daily Creel Limit
- 9" Minimum Length Limit
- Banana Lake, Lake County Forest Preserve District
 - All Fish
 - Channel Catfish
 - Large or Smallmouth Bass (14)
 - 1 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - Trout
 - Fall Closed Season (10)
 - Spring Closed Season (11)
- Beck Lake, Cook County Forest Preserve District
 - All Fish
 - Channel Catfish
 - Large or Smallmouth Bass (14)
 - Large or Smallmouth Bass
 - Walleye, Sauger, or Hybrid
 - Walleye
 - White, Black, or Hybrid
 - Crappie (15)
 - White, Black, or Hybrid
 - Crappie
- Banner Marsh Lake & Ponds, Banner Marsh State Fish and Wildlife Area (33)
 - Peoria/Fulton Counties
 - All Fish
 - Channel Catfish
 - Large or Smallmouth Bass (14)
 - Large or Smallmouth Bass
 - Walleye, Sauger, or Hybrid
 - Walleye
 - White, Black, or Hybrid
 - Crappie (15)
 - White, Black, or Hybrid
 - Crappie
- Batchtown Wildlife Management Area (33)
 - Calhoun County
 - Baumann Park Lake, City of Cherry Valley
 - Winnebago County
 - All Fish
 - Channel Catfish
 - Large or Smallmouth Bass
 - Large or Smallmouth Bass (14)
- Beall Woods Lake, Beall Woods Conservation Area
 - Webster County
 - All Fish
 - Channel Catfish
 - Large or Smallmouth Bass
 - Trout
 - Fall Closed Season (10)
- Beaver Dam Lake, Beaver Dam State Park
 - Macoupin County
 - All Fish
 - Bluegill or Redear Sunfish (14)
 - Channel Catfish
 - Large or Smallmouth Bass
 - Large or Smallmouth Bass (14)
 - Trout
 - White, Black, or Hybrid
 - Crappie (15)
 - White, Black, or Hybrid
 - Crappie
- Beck Lake, Cook County Forest Preserve District
 - Cook County
 - All Fish
 - Channel Catfish
 - Large or Smallmouth Bass
 - Walleye, Sauger, or Hybrid
 - Walleye
- Belleau Lake, Cook County Forest Preserve District
 - Cook County
 - All Fish
 - Large or Smallmouth Bass
 - Trout
 - Trout
- Bevier Lagoon, Waukegan Park District
 - Lake County
 - All Fish
 - Channel Catfish
- Bird Park Quarry, City of Rankakee
 - Rankakee County
 - Trout
 - Trout
- Bowen Lake, City of Washington
 - Tazewell County
 - All Fish
 - Channel Catfish
 - Large or Smallmouth Bass
 - Large or Smallmouth Bass (14)
- Borah Lake, City of Olney
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 3 Fish Daily Creel Limit

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- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Fall Closed Season (10)
- 10 Fish Daily Creel Limit
- 9" Minimum Length Limit
- Beck Lake, Cook County Forest Preserve District
 - Cook County
 - All Fish
 - Channel Catfish
 - Large or Smallmouth Bass
 - Walleye, Sauger, or Hybrid
 - Walleye
- Belleau Lake, Cook County Forest Preserve District
 - Cook County
 - All Fish
 - Large or Smallmouth Bass
 - Trout
 - Trout
- Bevier Lagoon, Waukegan Park District
 - Lake County
 - All Fish
 - Channel Catfish
- Bird Park Quarry, City of Rankakee
 - Rankakee County
 - Trout
 - Trout
- Bowen Lake, City of Washington
 - Tazewell County
 - All Fish
 - Channel Catfish
 - Large or Smallmouth Bass
 - Large or Smallmouth Bass (14)
- Borah Lake, City of Olney
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 3 Fish Daily Creel Limit

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Carlyle Lake, U.S. Army Corps of Engineers (20) (33)

- Clinton County
 Large or Smallmouth Bass
 Walleye, Sauger, or Hybrid
 Walleye
 White, Black, or Hybrid
 Crappie (15)
 White, Black, or Hybrid
 Crappie
- 14" Minimum Length Limit
 - 14" Minimum Length Limit
 - 10 Fish Daily Creel Limit
 - 10" Minimum Length Limit

Carthage Lake, City of Carthage

Hancock County

Channel Catfish

- 6 Fish Daily Creel Limit

Cave-In-Rock State Park-Pond-Cave-In-Rock State Park

Herdin County

-----Frost

-----Frost

- Fall-Closed-Season-fish
 --Spring-Closed-Season-fish

Cedar Lake, U.S. Forest Service and City of Carbondale

Jackson County (19)

All Fish

- 2 Pole and Line Fishing Only (1)
 (5)
 - 14"-18" Protected Slot Length
 Limit (no possession)
 - 2 Fish Under 14" and 2 Fish
 Over 18" Daily Creel Limit
 - 17" Minimum Length Limit
 Striped, White, or Hybrid
 Striped Bass
 Striped, White, or Hybrid
 Striped Bass (16)
 Walleye, Sauger, or Hybrid
 Walleye

Centralia Lake, City of Centralia

Marion County

Large or Smallmouth Bass

- 15" Minimum Length Limit

Cermack Quarry, Cook County Forest Preserve District

Cook County

All Fish

- 2 Pole and Line
 Fishing Only (1)(36)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 Channel Catfish
 Large or Smallmouth Bass

Champaign Park District Lakes (Kaufman Lake, Heritage Lake, and

Mattis Lake), Champaign Park District

Champaign County

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- All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth
 Bass (14)
 Charleston Lower Channel Lake, City of Charleston
 Coles County
 All Fish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 1 Fish Daily Creel Limit

Charleston Side Channel Lake, City of Charleston

Coles County

- All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Striped, White, or Hybrid
 Striped Bass
 Striped, White, or Hybrid
 Striped Bass (16)
 Charlie Brown Lake & Pond, City of Flora
 Clay County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth
 Bass (14)
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit

Charter Oak North - Peoria Park District Lake, Peoria Park District

Peoria County

- All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth
 Bass (14)
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 Charter Oak South - Peoria Park District Pond, Peoria Park District
 Peoria County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth
 Bass (14)
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 1 Fish Daily Creel Limit

Chauncey Marsh (19)

Lawrence County

Channel Catfish

- Large or Smallmouth Bass
 Large or Smallmouth
 Bass (14)
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 1 Fish Daily Creel Limit

Chicago River (including its North Branch, South Branch, and the North Shore Channel)

Cook County

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Yellow Perch
Yellow Perch

- 1525 Fish Daily Creel Limit
- 8" to 10" Harvest Slot Length Limit (2) - Possession of Yellow Perch Under 8" or over 10" is Prohibited
- Closed During June

Yellow Perch

Citizen's Lake, City of Monmouth
Warren County

- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Fall Closed Season (10)

Clear Lake, Kickapoo State Park
Vermillion County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

Clinton Lake, Clinton Lake State Recreation Area (19)

- 2 Pole and Line Fishing Only (1)(18)
- 14" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 15 Fish Daily Creel Limit
- 9" Minimum Length Limit

Large or Smallmouth Bass
Striped, White, or HybridStriped Bass
Striped, White, or HybridWalleye or Sauger
White, Black, or HybridCrappie (15)
White, Black, or HybridCrappie
CrappieCoffeen Lake, Coffeen Lake State Fish and Wildlife Area
Montgomery County

- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 10 Fish Daily Creel Limit
- 9" Minimum Length Limit
- 17" Minimum Length Limit

Large or Smallmouth Bass
Large or Smallmouth Bass (14)White, Black, or Hybrid
Crappie (15)White, Black, or Hybrid
CrappieStriped, White, or Hybrid
Striped Bass

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Striped, White, or Hybrid
Striped Bass (16)Coles County Airport Lake, Coles County Airport
Coles County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Coles County
All Fish
Channel Catfish
Large or Smallmouth BassColes County
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Channel Catfish
Large or Smallmouth Bass

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Large or Smallmouth Bass - 12-15" Slot Length Limit (3)

Crab Orchard National Wildlife Refuge. Refuge Ponds (except Visitor Pond), U.S. Fish and Wildlife Service
Williamson County
All Fish
Large or Smallmouth Bass - 2 Pole and Line Fishing Only (1)
- 15" Minimum Length Limit

Crab Orchard National Wildlife Refuge. Visitor Pond, U.S. Fish and Wildlife Service
Williamson County
All Fish (30)
Large or Smallmouth Bass - 2 Pole and Line Fishing Only (1)
(5)
- 21" Minimum Length Limit

Crawford Co. Cons. Area - Picnic Pond, Crawford County Conservation Area
Crawford County
All Fish
Channel Catfish
Large or Smallmouth Bass
Trout - 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Fall Closed Season (10)

Crawford Co. Cons. Area Ponds, Crawford County Conservation Area
Crawford County
All Fish
Channel Catfish
Large or Smallmouth Bass - 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Cruikshank Wildlife Management Area (33)
Jersey County

Crystal Lake, Urbana Park District
Champaign County
All Fish
Channel Catfish - 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Dawson Lake & Park Ponds, Moline View State Park
Moline County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
Walleye, Sauger, or Hybrid
Walleye (14)
White, Black or Hybrid Crappie
White, Black or Hybrid - 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

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Decatur Park Dist. Ponds, City of Decatur
Macon County
All Fish
Channel Catfish - 15 Fish Daily Creel Limit

Defiance Lake, Moraine Hills State Park
McHenry County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Des Plaines River Basin - Special Management Zone (Hoffman Dam to 47th Street Bridge, including tributaries)
Cook County
Channel Catfish
Channel Catfish
Large or Smallmouth Bass
Northern Pike
Northern Pike
White, Black or Hybrid
Crappie (15)
Walleye, Sauger, or Hybrid
Walleye
Walleye, Sauger, or Hybrid
Walleye (14)
Des Plaines River Conservation Area (19)
Will County

Bixion-Springs-Ag-Center-Pondy-Bixon-Springs-Ag-Center
Pope County
-----Trot
-----Trot
Dog Island Wildlife Management Area (19)
Pope County

Dolan Lake, Hamilton County Conservation Area
Hamilton County
All Fish
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
Walleye - 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 14" Minimum Length Limit

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Donnelley State Wildlife Area (33)

Bureau County

Douglas Park Lagoon, Chicago Park District

Cook County

All Fish

Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

DuPage County Forest Preserve District Lakes and Ponds, DuPage County Forest Preserve District

DuPage County

All Fish

Channel Catfish

Large or Smallmouth Bass

Large or Smallmouth Bass (14)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

DuPage River - West Branch (between the dams located in the McDowell Grove Forest Preserve and the Wartenville Grove Forest Preserve)

DuPage County

Large or Smallmouth Bass

- Catch and Release Fishing Only (9)

East Fork Lake, City of Olney

Richland County

All Fish

Channel Catfish

Large or Smallmouth Bass

Walleye, Sauger, or Hybrid

Walleye

White, Black, or Hybrid

Crappie (15)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 14" Minimum Length Limit
- 25 Fish Daily Creel Limit

Eldon Hazlet State Park (19) (See Also Carlyle Lake)

Clinton County

All Fish

Channel Catfish

Elliott Lake, Wheaton Park District

DuPage County

All Fish

Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Evergreen Lake, City of Bloomington

McLean County

Large or Smallmouth Bass

Pure Muskellunge

Walleye, Sauger, or Hybrid

Walleye

White, Black, or Hybrid

- 15" Minimum Length Limit
- 48-55" Minimum Length Limit (40)
- 14" Minimum Length Limit

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Crappie (15)

Farley Park Pond, City of Decatur

Macon County

Trout

- 25 Fish Daily Creel Limit
- Fall Closed Season (10)

Ferne Clyffe Lake, Ferne Clyffe State Park

Johnson County

All Fish

Channel Catfish

Trout

Trout

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

Flatfoot Lake, Cook County Forest Preserve District

Cook County

All Fish

Channel Catfish

Large or Smallmouth Bass

Large or Smallmouth Bass

Large or Smallmouth Bass

Large or Smallmouth Bass

Large or Smallmouth Bass

Large or Smallmouth Bass

Large or Smallmouth Bass

Large or Smallmouth Bass

Large or Smallmouth Bass

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Large or Smallmouth Bass

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Randolph County

Four Lakes, Winnebago County Forest Preserve

Winnebago County

All Fish

Channel Catfish

- 2 pole and line fishing only (1)
- 6 fish daily creel limit

Fox Chain O'Lakes (including the Fox River south of the Wisconsin-Illinois boundary to the McHenry Dam) (6) Applies to Grass Lake and Nippersink Lake State Managed Blind Areas Only (19), State of Illinois

Lake and McHenry Counties

Large or Smallmouth Bass

Purcell Muskellunge

Walleye, Sauger, or Hybrid

Walleye

- 14" minimum length limit (6)
- 48" 45" minimum length limit (40)

14" minimum length limit

with an 18-24" protected slot

length limit (no possession)

(6)

- 2 fish >or=14" and <18" &/or 1

fish >24" daily creel limit

(35)

Fox Ridge State Park (19)

Coles County

All Fish

Channel Catfish

Large or Smallmouth Bass

Walleye, Sauger, or Hybrid

Walleye

Sauger

Hybrid Walleye

Hybrid Walleye

Hybrid Walleye

Hybrid Walleye

Hybrid Walleye

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Hybrid Walleye

Trout

Trout

Franklin Creek (within the boundaries of Franklin Creek State Natural Area)

Lee County

All Fish

Channel Catfish

Large or Smallmouth Bass

Walleye, Sauger, or Hybrid

Walleye

Sauger

Hybrid Walleye

Hybrid Walleye

Hybrid Walleye

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DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- All Fish
Channel Catfish
Striped, White, or Hybrid Striped Bass
Striped, White or Hybrid Striped Bass (16)
Harrisburg Holding Pits North and South, City of Harrisburg
Saline County
All Fish
Channel Catfish
Heidecke Lake, Heidecke Lake State Fish and Wildlife Area
Grundy County (33)
(Shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 2 weeks prior to duck season until the close of waterfowl season)
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid Striped Bass (16)
Walleye, Sauger, or Hybrid Walleye
Walleye, Sauger, or Hybrid Walleye (14)
Hemlock Slough (19)
Calhoun County
Hennepin Canal-Mainline & Feeder, Hennepin Canal Parkway State Park Multiple Counties
All Fish
Large or Smallmouth Bass
Trout
Trout
Walleye, Sauger, or Hybrid Walleye
Hidden Springs State Forest Ponds, Hidden Springs State Forest
Shelby County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 10" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 10" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 18" Minimum Length Limit
- 10 Creel/3 Fish 17" or Longer Daily (17)
- 22" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 2 Pole and Line Fishing Only (1)(13)
- 14" Minimum Length Limit
- Fall Closed Season (10)
- Spring Closed Season (11)
- 14" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 18" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Large or Smallmouth Bass
Highland Old City Lake, City of Highland Madison County
All Fish
Channel Catfish
Trout
Hillsboro Old City Lake, City of Hillsboro Montgomery County
All Fish
Channel Catfish
Large or Smallmouth Bass
Homer Lake, Champaign County Forest Preserve District Champaign County
All Fish
Channel Catfish
Large or Smallmouth Bass
Hornel Pond, Donnelly State Fish and Wildlife Area Bureau County
All Fish
Channel Catfish
Large or Smallmouth Bass
Horseshoe Lake-Alexander Co., Horseshoe Lake Conservation Area Alexander County
(Only trolling motors in refuge from October 5-March 1)
All Fish
Channel Catfish
Large or Smallmouth Bass
Horseshoe Lake-Madison County, Horseshoe Lake State Park (33) Madison County
All Fish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
White, Black or Hybrid Crappie (15)
- 25 Fish Daily Creel Limit
Horton Lake, Nauvoo State Park Hancock County
All Fish
Channel Catfish
- 1 Fish Daily Creel Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)(5)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)
- 5
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)(28)(34)
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 25 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Hull's Park Blv Lake, Canton Park District

Fulton County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth
Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Humbolt Park Lagoon, Chicago Park District

Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Illinois & Michigan Canal, State of Illinois

Grundey/LaSalle/Will Counties
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Illinois Beach State Park Ponds, Illinois Beach State Park

Lake County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Illinois Department of Transportation Lake, State of Illinois

Sangamon County
All Fish
Channel Catfish
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

Illinois River - Pool 26 (19)

Calhoun County

Indian Boundary South Pond, Frankfort Square Park District

Will County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Jackson Park (Columbia Basin) Lagoon, Chicago Park District

Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Johnson Sauk Trail Lake & Pond, Johnson Sauk Trail State Park

Henry County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Jones Park Lake, City of East St. Louis

St. Clair County
All Fish
Channel Catfish
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

Jones State Lake, Saline County Conservation Area

Saline County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass
Large or Smallmouth Bass
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14"-18" Protected Slot Length Limit (no possession) (38)
14"-Minimum Length Limit
- 5 Fish under 14" and 1 Fish over 18" Daily Creel Limit

Jones Lake Trout Pond, Saline County Conservation Area

Saline County
Trout
-----Trout
- Fall Closed Season (10)
--Spring-Closed-Season-(11)

Jubilee College State Park Ponds, Jubilee College State Park

Peoria County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth
Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Kankakee River Basin - Special Management Zone (Wilmington Dam to the Mouth of the Kankakee River, including tributaries)

Will/Grundy Counties

Large or Smallmouth Bass
Large or Smallmouth
Bass (14)
- 12" - 16" Protected Slot Length Limit (no possession) (37)
- 1 Fish over 16" and 2 Fish under 12" Daily Creel Limit

Kankakee River Basin - Special Management Zone (Kankakee Dam to the Wilmington Dam, including tributaries)

Kankakee/Will Counties

Large or Smallmouth Bass
Large or Smallmouth Bass
Large or Smallmouth Bass
- 14" Minimum Length Limit
- Catch and Release Only Season in tributaries - No Harvest May 1 through June 15 (19)

Kankakee River State Park (19)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Kankakee/Will Counties

Kaskaskia River & all tributaries, State of Illinois

Multiple Counties

Walleye, Sauger, or Hybrid

Walleye

Kaskaskia River Fish and Wildlife Area (19)

St. Clair/Randolph/Monroe Counties

Kaskaskia River Fish and Wildlife Area - Doza Creek Wildlife Management Area

(33)

St. Clair County

Kendall Co. Lake #1, Kendall County Forest Preserve District

Kendall County

All Fish

- 2 Pole and Line Fishing Only (1)

- 1 Fish Daily Creel Limit

- 14" Minimum Length Limit

- 3 Fish Daily Creel Limit

Kent Creek

Winnebago County

- Spring Closed Season (11)

Trout

Kickapoo State Park Lakes & Ponds, Kickapoo State Park

Vermillion County

All Fish

- 2 Pole and Line Fishing Only (1)

- 6 Fish Daily Creel Limit

Kinkaid Lake, Kinkaid Lake State Fish and Wildlife Area (19)

Jackson County

Large or Smallmouth Bass

- 12" - 16" Protected Slot Length

Limit (no possession)

- 2 Fish Under 12" and 2 Fish

Over 16" Daily Creel Limit

- 48" - 45" Minimum Length Limit (40)

- 14" Minimum Length Limit

Lake Atwood, McHenry County Conservation District

McHenry County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

- Spring Closed Season (11)

Lake Bloomington, City of Bloomington

McLean County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Large or Smallmouth Bass

Striped, White, or Hybrid

- 15" Minimum Length Limit

Striped Bass

Striped, White, or Hybrid

- 17" Minimum Length Limit

Striped Bass (16)

Walleye, Sauger, or Hybrid

- 3 Fish Daily Creel Limit

Walleye

- 14" Minimum Length Limit

White, Black, or Hybrid

- 25 Fish Daily Creel Limit

Crappie (15)

Lake Carlisle, Morrison-Rockwood State Park

Whiteside County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

Large or Smallmouth Bass (14)

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 1 Fish Daily Creel Limit

Pumpkinseed

- 14" Minimum Length Limit

Walleye, Sauger, or Hybrid

- 36" Minimum Length Limit

Walleye

- 14" Minimum Length Limit

White, Black, or Hybrid

- 25 Fish Daily Creel Limit

Crappie (15)

Lake Co. Forest Preserve District Lakes, Lake County Forest Preserve District

Lake County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

Large or Smallmouth Bass (14)

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 1 Fish Daily Creel Limit

- 15" Minimum Length Limit

Lake Decatur, City of Decatur

Macon County

All Fish

- 2 Pole and Line Fishing Only (1)

Large or Smallmouth Bass

- 14" Minimum Length Limit

Walleye, Sauger, or Hybrid

- 14" Minimum Length Limit

Walleye

Lake Dupue Fish and Wildlife Area (33)

Bureau County

Lake Bureka, City of Bureka

Woodford County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

Large or Smallmouth Bass

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass (14)

- 15" Minimum Length Limit

Large or Smallmouth Bass

- 1 Fish Daily Creel Limit

Lake George, Loud Thunder Forest Preserve

Rock Island County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- | | |
|--------------------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |
| Pure Muskellunge | - 36" Minimum Length Limit |
| Walleye, Sauger, or Hybrid Walleye | - 14" Minimum Length Limit |
| White, Black, or Hybrid Crappie (15) | - 25 Fish Daily Creel Limit |

Lake Jacksonville, City of Jacksonville

- | County | Regulation |
|---------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Striped, White, or Hybrid | - 17" Minimum Length Limit |
| Striped Bass | - 15" Minimum Length Limit |
| Striped, White, or Hybrid | - 3 Fish Daily Creel Limit |
| Striped Bass (16) | - 25 Fish Daily Creel Limit |
| White, Black, or Hybrid | - 9" Minimum Length Limit |
| Craple | |
| White, Black, or Hybrid | |
| Craple | |

Lake Kakusha, City of Mendota

- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 10 Fish Daily Creel Limit

Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park

- | | |
|---------------------------------|-------------------------------------|
| Walleye | - 14" Minimum Length Limit |
| White, black, or Hybrid | - 25 Fish Daily Creel Limit |
| Crappie (15) | |
| Walleye, Sauger, or Hybrid | - 14" Minimum Length Limit |
| Large or Smallmouth Bass | - 1" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Bluegill or Redear Sunfish (14) | - 10 Fish Daily Creel Limit |
| All Fish | - 2 Pole and Line Fishing Only (11) |
| Person County | |

Lake Mendota, City of Mendota

- e County
All Fish
- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Striped Bass
Striped, white, or Hybrid
Striped Bass (16)
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Lake of the Woods & Elk's Pond, Champaign County Forest Preserve District
Champaign County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Spring Closed Season (11)
- 1 Fish Daily Creel Limit
- Lake Olson, Rock Cut State Park
Winnebago County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Lake Owen, Hazel Crest Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Lake Paradise, City of Mattoon
Coles County
All Fish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit
- Lake Paradise Shadow Ponds, City of Mattoon
Coles County
All Fish
Large or Smallmouth Bass
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit
- 6 Fish Daily Creel Limit
- Lake Sara, City of Effingham
Effingham County
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
- 14" Minimum Length Limit
- 14" Minimum Length Limit
- 25 Fish Daily Creel Limit
- Lake Shelbyville (21), U.S. Army Corps of Engineers
Moultrie/Shelby Counties
(During the regular waterfowl season, no bank or boat fishing shall be permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad Bridge from one-half hour before sunrise to 1 p.m.)
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Large or Smallmouth Bass
Pure Muskellunge
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- 14" Minimum Length Limit
- 48" 36" Minimum Length Limit (40)
- 14" Minimum Length Limit
- 10 Fish Daily Creel Limit
- 10" Minimum Length Limit
- Lake Shelbyville - Project Ponds & Woods Lake, Lake Shelbyville State Fish and Wildlife Area (33)
Moultrie/Shelby Counties
All Fish
Channel Catfish
Large or Smallmouth Bass
White, Black, or Hybrid
Crappie
White, Black, or Hybrid
Crappie (15)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 10" Minimum Length Limit
- 10 Fish Daily Creel Limit
- Lake Simmsippi (19)
Whiteside County
Lake Springfield, City of Springfield
Sangamon County
All Fish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- 2 Pole and Line Fishing Only (1)
- 15" Minimum Length Limit
- 14" Minimum Length Limit
- 25 Fish Daily Creel Limit
- 9" Minimum Length Limit
- Lake Storey, City of Galesburg
Knox County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye, Sauger, or Hybrid
Walleye (14)
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Lake Strini, Villane of Romeoville
Will County
All Fish
- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Channel Catfish- 6 Fish Daily Creel Limit

Lake Sule, Flag-Rochelle Park District
Ogle County

- All Fish
- Bluegill or Redear
- 2 Pole and Line Fishing Only (1)
- Sudfish (14)
- 5 Fish Daily Creel Limit
- Channel Catfish
- 6 Fish Daily Creel Limit
- Large or Smallmouth Bass (14)
- 14" Minimum Length Limit
- Pure Muskellunge
- 1 Fish Daily Creel Limit
- Walleye, Sauger, or Hybrid
- 36" Minimum Length Limit
- White, Black or Hybrid
- 14" Minimum Length Limit
- Crappie (15)
- 10 Fish Daily Creel Limit

Lake Taylorville, City of Taylorville

- Christian County
- Large or Smallmouth Bass
- 15" Minimum Length Limit
- White, Black, or Hybrid
- Crappie
- 9" Minimum Length Limit
- White, Black, or Hybrid
- 25 Fish Daily Creel Limit
- Crappie (15)

Lake Vandalia, City of Vandalia

- Fayette County
- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- Large or Smallmouth Bass
- 6 Fish Daily Creel Limit
- Striped, White, or Hybrid
- 14" Minimum Length Limit
- Crappie
- 17" Minimum Length Limit
- Walleye, Sauger, or Hybrid
- 3 Fish Daily Creel Limit
- Crappie (16)

Lake Vermilion, Vermilion County Conservation District

- Vermilion County
- All Fish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (26)
- Pure Muskellunge
- 15" Minimum Length Limit (23)
- 48- 36" Minimum Length Limit (40)±23
- Walleye, Sauger, or Hybrid
- 14" Minimum Length Limit (23)
- Walleye
- 9" Minimum Length Limit
- White, Black, or Hybrid
- 25 Fish Daily Creel Limit
- Crappie
- 25 Fish Daily Creel Limit
- Crappie (15)

Lake Williamsville, City of Williamsville

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Sangamon County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit
- Large or Smallmouth Bass
- 15" Minimum Length Limit

LaSalle Lake, LaSalle Power Station

- LaSalle County
- All Fish
- 2 Pole and Line Fishing Only (1)
- Large or Smallmouth Bass (14)
- 1 Fish Daily Creel Limit
- Large or Smallmouth Bass
- 18" Minimum Length Limit
- Striped, White, or Hybrid
- 10 Creel/3 Fish 17" or Longer
- Striped Bass (16)
- Daily (17)

Levings Lake, Rockford Park District

- Winnebago County
- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit

Lincoln Log Cabin Pond, Lincoln Log Cabin Historical Site

- Coles County
- All Fish
- 2 Pole and Line Fishing Only (1)

Lincoln Park North Lagoon, Chicago Park District

- Cook County
- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit

Lincoln Park South Lagoon, Chicago Park District

- Cook County
- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit

Lincoln Trail Lake, Lincoln Trail State Park

- Clark County
- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit
- Large or Smallmouth Bass
- 12-15" Slot Length Limit (3)

Little Black Slough, Little Black Slough State Natural Area

- Johnson County
- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- No Seines

Little Sister Lake, County of Fulton

- Fulton County
- All Fish
- 2 Pole and Line Fishing Only (1)
- Bluegill or Redear

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Sunfish (14)
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 Bass (14)
 Little Vermillion River Basin - Special Management Zone (river mainstem and tributaries)
 LaSalle County
 Large or Smallmouth Bass
 -- Catch and Release Only Season
 -- No Harvest May 1 through June 15 (9)
 Lou Yeager Lake, City of Litchfield
 Montgomery County
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 Loami Reservoir, City of Loami
 Sangamon County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Lower Cache River, Lower Cache River State Natural Area
 Pulaski/Johnson Counties
 All Fish
 All Fish
 -- 2 Pole and Line Fishing Only (1)
 -- No Seines
 Lyerla Lake, Union County Conservation Area
 Union County
 All Fish
 Channel Catfish
 -- 2 Pole and Line Fishing Only (1)
 -- 6 Fish Daily Creel Limit
 Mackinaw River (within the boundaries of--Mackinaw--River--and--Wildlife Area)
 Tazewell County
 --Large or Smallmouth Bass
 --Large or Smallmouth Bass (14)
 --12--Minimum--Length--Limit
 --3--Fish--Daily--Creel--Limit
 Macon County Conservation District Ponds, Macon County Conservation District
 Macon County
 All Fish
 Channel Catfish
 -- 2 pole and Line Fishing Only (1)
 -- 6 Fish Daily Creel Limit
 Maple Lake, Cook County Forest Preserve District

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Cook County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Marquette Park Lagoon, Chicago Park District
 Cook County
 All Fish
 Channel Catfish
 Marshall County Conservation Area (Fishing Ditch), Marshall County Conservation Area (33)
 Marshall County
 (Unlawful to trespass upon designated waterfowl hunting areas 7 days prior to the waterfowl season and on areas designated as waterfowl refuges from October 10 until the end of the waterfowl season)
 All Fish
 -- 2 Pole and Line Fishing Only (1)
 Marshall County Conservation Area - Sparland Unit (19)
 Marshall County
 Mascoutah Reservoir, City of Mascoutah
 St. Clair County
 All Fish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 Massac County Fairgrounds Pond, State of Illinois
 Massac County
 Trout
 -- Fall Closed Season (10)
 -- Spring Closed Season (11)
 Mattoon Lake, City of Mattoon
 Coles County
 All Fish
 Large or Smallmouth Bass
 -- 2 Pole and Line Fishing Only (1)
 -- 14" Minimum Length Limit
 Maconia-Braidwood-Lakes--&--Ponds--Maroonia-Braidwood-State-Fish-and-Wildlife Area (33)
 Grundy/Will-Counties
 Braidwood-Lake-is-closed-to-all-fishing-and-bait-traffic-from-2--weeks--prior-to-duck-season-through-the-day-before-duck-season-and-is-closed-to-all-fishing-during-waterfowl-season-commencing-with-duck-season
 --All-Fish
 --Channel-Catfish
 --Large-or-Smallmouth-Bass
 --Barge-or-Smallmouth-Bass-(14)
 --3-Fish-Daily-Creel-Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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Mautino Fish and Wildlife Area, Mautino Fish and Wildlife Area

Bureau County

All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 10 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

Mauvaise Terre/Morian Lake, City of Jacksonville

Morgan County
Large or Smallmouth Bass - 15" Minimum Length Limit

Mazonia Lakes & Ponds, Mazonia State Fish and Wildlife Area (33)

Grundy County
Mazonia Lakes and Pond are closed to all fishing and boat traffic from 2 weeks prior to duck season through the day before duck season and is closed to all fishing during waterfowl season commencing with duck season)

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
White, Black or Hybrid	
Croaker (15)	- 10 Fish Daily Creel Limit

McCullom Lake, City of McHenry

- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 15' Minimum Length Limit
- 1 Fish Daily Creel Limit

McKinley Park Lagoon, Chicago Park District

Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

McLeansboro City Lakes, City of McLeansboro
Hamilton County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit

Meredosia Lake - Cass County Portion Only (meandered waters only) (33)
Cass County

Meredosia Lake - Cass County Portion

Gas County
(Wandered waters only) All boat traffic is prohibited from operating on the wandered waters (except non-motorized boats may be used to assist in the retrieval of waterfowl shot from private land) from the period from one week before waterfowl season opens until the season closes; hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes).

Middle Fork of the Vermilion River, Kickapoo State Park and Middle Fork Fish and Wildlife Area

Vermilion County
All Fish
- 2 Pole and Line Fishing Only (1)

Middle Fork of the Vermilion River Basin - Special Management Zone (river mainstem and tributaries)	
Vermilion County	- 14" Minimum Length Limit
Large or Smallmouth Bass	- Catch and Release Only Season In
Large or Smallmouth Bass	tributaries - No Harvest May 1 through June 15 (9)

Will Creek Lake. Clark County Park District

Clark County
All Fish
- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

Channel Catfish
Large or Smallmouth Bass
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)

Miller Park Lake, City of Bloomington
McLean County
All Fish
Channel Catfish
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Spring Closed Season(11)

Mineral Springs Park Lagoon, City of Pekin
Tazewell County
All Fish
Channel Catfish
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26 (19)
Multiple Counties
Mississippi River (between IL & IA), State of Illinois
Multiple Counties
Large or Smallmouth Bass
Northern Pike
Walleye and Sauger (14)
walleye
- 14" Minimum Length Limit
- 5 Fish Daily Creel Limit
- 10 Fish Daily Creel Limit (24)
- 15" Minimum Length Limit

Mississippi River (between IL & MO), State of Illinois
Multiple Counties
(Boating prohibited on refuge area immediately south of Melvin Price Lock and Dam 26 from October 15-April 15)
Northern Pike
Walleye and Sauger (14)
- 1 Fish Daily Creel Limit
- 8 Fish Daily Creel Limit

Monroe Reservoir, Will County Forest Preserve District
Will County
All Fish
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Montrose Lake, City of Montrose
Cumberland County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Mt. Olive City Lakes, City of Mt. Olive
Macoupin County
All Fish
- 2 Pole and Line Fishing Only (1)
- 18" Minimum Length Limit
- 3 Fish Daily Creel Limit
Walleye, Sauger, or Hybrid
Walleye, Black, or Hybrid
- 14" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

Channel Catfish
- 6 Fish Daily Creel Limit

Mt. Olive (Old) Lake, City of Mt. Olive
Macoupin County
Large or Smallmouth Bass
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

Mt. Sterling Lake, City of Mt. Sterling
Brown County
Channel Catfish
Large or Smallmouth Bass
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)

Mt. Vernon City Park Lake, City of Mt. Vernon
Jefferson County
All Fish
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Mt. Vernon Game Farm Pond, Mt. Vernon Game Farm
Jefferson County
All Fish
Trout
- 2 Pole and Line Fishing Only (1)
- Fall Closed Season (10)
- Spring Closed Season (11)

Mundelein Park Dist. (Diamond Lake & Park Ponds), City of Mundelein
Lake County
All Fish
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

Nashville City Lake, City of Nashville
Washington County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 18" Minimum Length Limit

Newton Lake, Newton Lake State Fish and Wildlife Area
Jasper County
All Fish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Walleye, Sauger, or Hybrid
Walleye, Black, or Hybrid
- 2 Pole and Line Fishing Only (1)
- 18" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 14" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 10 Fish Daily Creel Limit
- 10" Minimum Length Limit
- Crappie (15)
- White, Black, or Hybrid
- Crappie
- Norris City Reservoir, City of Norris City
- White County
- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Oakford Conservation Area (Menard County) (19)
- Menard County
- Oakland City Lake, City of Oakland
- Coles County
- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Ohio River (between Illinois & Kentucky), State of Illinois
- Multiple Counties (19)
- Large or Smallmouth Bass
- Northern Pike
- Muskie or Tiger Muskie
- Muskie or Tiger Muskie
- Walleye, Sauger, or Hybrid
- Walleye (14)
- White, Black, or Hybrid
- Crappie (15)
- Striped, White, Yellow or Hybrid
- Striped Bass
- 30 Creel/4 Fish 15" or Longer
- 30 Fish Daily Creel Limit
- 30 Creel/4 Fish 15" or Longer
- Ohio River-Smithland Pool Tributary Streams (in Pope/Hardin/Gallatin Counties, excluding Wabash River and Saline River Above Route 1 Bridge) (19)
- Multiple Counties
- Large or Smallmouth Bass
- 12" Minimum Length Limit
- Otter Lake, Otter Lake Water Commission
- Macoupin County
- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- Striped, White, or Hybrid
- Striped Bass
- Striped, White, or Hybrid
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 17" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 3 Fish Daily Creel Limit
- 48" 45" Minimum Length Limit (40)
- Pure Muskellunge
- Palmyra-Modesto Water Commission Lake, Palmyra/Modesto Water Commission
- Macoupin County
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 3 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Palmyra City Lake & Terry Park Pond, City of Palmyra
- Macoupin County
- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Paris East & West Lakes, City of Paris
- Edgar County
- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Peabody River King, Pit #3 Lakes and Ponds, River King State Conservation Area
- St. Clair County
- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 25 Fish Daily Creel Limit
- 9" Minimum Length Limit
- White, Black, or Hybrid Crappie
- Pekin Lake (19)
- Tazewell County
- Perry Farm Pond, Bourbonnais Park District
- Kankakee County
- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Piasa (19)
- Madison/Jersey Counties

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Pierce Lake, Rock Cut State Park

Winnebago County

All Fish

- 2 Pole and Line Fishing Only (1)(7)
- 5 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 18" 36" Minimum Length Limit (40)
- 14" Minimum Length Limit
- 25 Fish Daily Creel Limit

Pike County Conservation Area (19)

Pike County

Pickneyville Lake, City of Pickneyville

Perry County

- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- Pine Creek
- Ogle County
- Trout
- Spring Closed Season (11)

Pine Creek (within the boundaries of White Pines Forest State Park)

Ogle County

- All Fish
- Large-or-Smallmouth-Bass
- Large-or-Smallmouth-Bass
- Large-(14)
- Trout
- Spring Closed Season (11)

Pine Lake, Village of University Park

Will County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Piscataway Creek

McHenry County

- Trout
- Trout
- Spring Closed Season (11)

Pittsfield City Lake, City of Pittsfield

Pike County

- All Fish
- 2 Pole and Line Fishing Only (1)(7)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Large or Smallmouth Bass
- Striped, White, or Hybrid
- Striped Bass
- Striped, White, or Hybrid
- Striped Bass (16)
- Walleye, Sauger, or Hybrid
- Walleye
- 14" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Pocahontas Park Pond, City of Pocahontas

Bond County

All Fish

Channel Catfish

Powerton Lake, Powerton Lake Fish and Wildlife Area (39) f33f

Razewell County
(shall be closed to boat traffic except for legal waterfowl hunters from October 1 to February 15, and closed to all unauthorized entry during the waterfowl season 2 weeks prior to duck season until the close-of-waterfowl season)

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- Striped, White, or Hybrid
- Striped Bass (16)
- Walleye, Sauger, or Hybrid
- Walleye (14)
- Walleye, Sauger, or Hybrid
- Walleye
- Prospect Pond, City of Moline
- Rock Island County
- Trout
- Fall Closed Season (10)
- Pyramid State Park Lakes & Ponds, Pyramid State Park
- Perry County
- All Fish
- Channel Catfish
- Ramsey Lake, Ramsey Lake State Park
- Fayette County
- All Fish
- Bluegill or Redear Sunfish (14)
- Channel Catfish
- Large or Smallmouth Bass
- Walleye, Sauger, or Hybrid
- Walleye
- 14" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 14" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie

- 10 Fish Daily Creel Limit
- 9" Minimum Length Limit

Randolph County Lake, Randolph County Conservation Area

Randolph County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Fall Closed Season (10)
- 14" Minimum Length Limit

Walleye, Sauger, or Hybrid

Red Hills Lake, Red Hills State Park

Lawrence County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Channel Catfish

Large or Smallmouth Bass

Red's Landing Wildlife Management Area (19)

Calhoun County

(Walk-in area closed to trespassing 7 days prior to duck season)

Redwing Slough/Deer Lake (33)

Lake County

Rend Lake, U.S. Army Corps of Engineers (22) (33)

Franklin County

- 14" Minimum Length Limit
- 10 Creel/3 Fish 17" or Longer Daily
- 17"

Large or Smallmouth Bass

Striped, White, Yellow, or Hybrid

Striped Bass (8)

Rend Lake Project Pond, U.S. Army Corps of Engineers

Franklin County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

Channel Catfish

Large or Smallmouth Bass

Large or Smallmouth Bass (14)

Rice Lake Fish and Wildlife Area (33)

Fulton County

Ridge Lake, Fox Ridge State Park

Coles County

(Recreational Use Restrictions - Waterfowl Refuge or Hunting Area (19))

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit
- 14" Minimum Length Limit
- 14" Minimum Length Limit

All Fish

Channel Catfish

Large or Smallmouth Bass

Walleye, Sauger, or Hybrid

Walleye

Riis Park Lagoon, Chicago Park District

Cook County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

All Fish

Channel Catfish

Riprap Landing (19)

Calhoun County

Riverside Park Lagoon, Moline Park District

Rock Island County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

All Fish

Channel Catfish

Rock Creek, State of Illinois

Kankakee County

Trout

- Spring Closed Season (11)

Rock River Basin - Special Management Zone (Fordam Dam to Oregon Dam)

Including tributaries)

Ogle/Winnebago Counties

Large or Smallmouth Bass

Large or Smallmouth

Bass (14)

Bass (14)

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DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Macon County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Trout	- Spring Closed Season (11)
Roodhouse Park Lake, City of Roodhouse	
Green County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Route 154 Day Use Pond, State of Illinois	
Randolph County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
St. Elmo South Lake, City of St. Elmo	
Fayette County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Salem Reservoir, City of Salem	
Marion County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Sam Dale Lake, Sam Dale Conservation Area	
Wayne County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Walleye, Sauger and Hybrid Walleye	- 14" Minimum Length Limit
Sam Dale Trout Pond, Sam Dale Conservation Area	
Wayne County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Trout	- Fall Closed Season (10)
Trout	- Spring Closed Season (11)
Sam Parr Lake, Sam Parr State Park	
Jasper County	

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Sand Lake, Illinois Beach State Park	
Lake County	
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Trout	- Fall Closed Season (10)
Trout	- Spring Closed Season (11)
Sandy Creek Basin - Special Management Zone (river mainstem and tributaries)	
Marshall County	
Large or Smallmouth Bass	- Catch and Release Only Season -
No Harvest May 1 through June 15 (3)	
Sanganois Conservation Area (33)	
Mason/Cass/Schuyler/Menard Counties	
Sangchris Lake, Sangchris Lake State Park	
Christian/Sangamon Counties	
Bank fishing along the dam shall be permitted. Fishing shall be prohibited on the east and west arms of the lake during the period from 10 days prior to the duck season through the end of the duck season. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the goose season that follows the duck season)	
All Fish	- 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass (14)	- 2 Fish <15" 4/or 1 Fish >or=15" Daily (25)
White, Black, or Hybrid Crappie (15)	- 25 Fish Daily Creel Limit
White, Black, or Hybrid Crappie	- 9" Minimum Length Limit
Sangchris Lake Park Ponds, Sangchris Lake State Park	
Sangamon County	
All Fish	- 2 Pole and Line Fishing Only (1)
Schiller Pond, Cook County Forest Preserve District	
Cook County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Schuyler County
Schuyler County
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie
- 14" Minimum Length Limit
- 9" Minimum Length Limit
- Senior Citizen's Pond, Kankakee River State Park
Kankakee County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Shabbona Lake, Shabbona Lake State Park
DeKalb County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
Pure Muskellunge
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 48" 96" Minimum Length Limit (40)
- 14" Minimum Length Limit
- 10 Fish Daily Creel Limit
- Shawnee National Forest Lakes & Ponds less than 10 acres, U.S. Forest Service
Multiple Counties
All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Shawnee National Forest - Bay Creek Lake #5 and #8 (Sugar Creek Lake), U.S. Forest Service
Pope County
All Fish
Channel Catfish
Largemouth, Smallmouth and
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Shawnee National Forest - Dutchman Lake, U.S. Forest Service
Johnson County
All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Shawnee National Forest - Lake Glendale, U.S. Forest Service

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Pope County
All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Shawnee National Forest - Little Cache #1, U.S. Forest Service
Johnson County
All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Shawnee National Forest - Little Cedar Lake, U.S. Forest Service
Jackson County
All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Shawnee National Forest - One Horse Gap Lake, U.S. Forest Service
Pope County
All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Shawnee National Forest - Pounds Hollow Lake, U.S. Forest Service
Gallatin County
All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Shawnee National Forest - Tecumseh Lake, U.S. Forest Service
Hardin County
All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Shawnee National Forest - Turkey Bayou, U.S. Forest Service
Jackson County
All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

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Shawnee National Forest - Whoopie Cat Lake, U.S. Forest Service

- Hardin County
 All Fish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 Channel Catfish
 Large or Smallmouth or
 Spotted Bass
 - 15" Minimum Length Limit

Sherman Park Lagoon, Chicago Park District

- Cook County
 All Fish
 - 2 Pole and Line Fishing Only (1)
 Channel Catfish
 - 6 Fish Daily Creel Limit

Siloam Springs Lake, Siloam Springs State Park

- Adams County
 All Fish
 - 2 Pole and Line
 Fishing Only (1) (7)
 Channel Catfish
 - 6 Fish Daily Creel Limit
 - 12-15" Slot Length Limit (3)
 Large or Smallmouth Bass
 - Fall Closed Season (10)
 Trout
 - Spring Closed Season (11)

Silver Lake, DuPage County Forest Preserve District

- DuPage County
 All Fish
 - 2 Pole and Line Fishing Only (1)
 Channel Catfish
 - 6 Fish Daily Creel Limit
 Larger or Smallmouth Bass
 - 14" Minimum Length Limit
 Large or Smallmouth
 Bass (14)
 - 3 Fish Daily Creel Limit
 Trout
 - Spring Closed Season (11)

Silver Lake (Highland), City of Highland

- Madison County
 Walleye, Sauger, or Hybrid
 Walleye
 - 14" Minimum Length Limit

Silver Springs S.P. (Big Lake) & Ponds, Silver Springs State Park

- Kendall County
 All Fish
 - 2 Pole and Line Fishing Only (1)
 Channel Catfish
 - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass
 - 15" Minimum Length Limit
 Trout
 - Fall Closed Season (10)
 - Spring Closed Season (11)

Site M Ponds #1, #2, #3, and #4, Site M Conservation Area

- Cass County
 All Fish
 - 2 Pole and Line Fishing Only (1)
 Channel Catfish
 - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass
 - 15" Minimum Length Limit

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Skoie Lagoons, Cook County Forest Preserve District

- Cook County
 All Fish
 - 2 Pole and Line Fishing Only (1)
 (36)
 Large or Smallmouth Bass
 - 14" Minimum Length Limit
 Walleye
 - 18" Minimum Length Limit

Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area

- Knox County
 (All use other than waterfowl hunting prohibited from October 1 through the end of the goose season)
 All Fish
 - 2 Pole and Line Fishing Only (1)
 - 10 Fish Daily Creel Limit
 Channel Catfish
 - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass
 - 15" Minimum Length Limit
 Pure Muskellunge
 - 3 Fish Daily Creel Limit
 Walleye, Sauger, or Hybrid
 - 36" Minimum Length Limit
 Walleye (14)
 - 3 Fish Daily Creel Limit
 Walleye, Sauger, or Hybrid
 Walleye
 - 14" Minimum Length Limit
 White, Black, or Hybrid
 Crappie (15)
 - 5 Fish Daily Creel Limit

Sparta City Lakes, City of Sparta

- Randolph County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 Channel Catfish
 Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit

Sparta "A" Lake, City of Sparta

- Randolph County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 White, Black, or Hybrid
 Crappie
 - 3 Fish Daily Creel Limit
 White, Black, or Hybrid
 Crappie
 - 9" Minimum Length Limit
 - 10 Fish Daily Creel Limit

Spring Lake, City of Macomb

- McDonough County
 All Fish
 - 2 Pole and Line Fishing
 Only (1) (5)
 Channel Catfish
 - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass
 - 15" Minimum Length Limit

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Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Turner Lake, Chain O'Lakes State Park Lake County	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Tuscola City Lake, City of Tuscola Douglas County	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Union County Conservation Area Union County	(All fishing and boat traffic prohibited October 15-March 1)
Valley Lake, Wildwood Park District Lake County	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Valmeyer Lake, City of Valmeyer Monroe County	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Vanborn Woods Pond, Plainfield Park District Will County	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Vernor Lake, City of Olney Richmond County	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit

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Large or Smallmouth Bass	- 14" Minimum Length Limit
Villa Grove East Lake, City of Villa Grove Douglas County	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Villa Grove West Lake, City of Villa Grove Douglas County	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Trout	- Fall Closed Season (10)
Virginia City Reservoir, City of Virginia Cass County	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Waddams Creek Stephenson County	- Spring Closed Season (11)
Trout	- Walnut Point Lake, Walnut Point State Fish and Wildlife Area
Walnut Point Lake, Walnut Point State Fish and Wildlife Area Douglas County	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 12-15" Slot Length Limit (3)
Walton Park Lake, City of Litchfield Montgomery County	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Warrior Lake, Moraine Hills State Park McHenry County	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Washington County Lake, Washington County Conservation Area Washington County	

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- All Fish
- 2 Pole and Line Fishing Only (1)
- (5)
- Channel Catfish
- 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
- Large or Smallmouth Bass
- 6 Fish Daily Creel Limit
- Striped, White, or Hybrid
- 17" Minimum Length Limit
- Striped Bass
- 3 Fish Daily Creel Limit
- Striped, White, or Hybrid
- 3 Fish Daily Creel Limit
- Striped Bass (16)
- Washington Park Lagoon, Chicago Park District
- Cook County
- 2 Pole and Line Fishing Only (1)
- All Fish
- 6 Fish Daily Creel Limit
- Channel Catfish
- Washington Park Pond, Springfield Park District
- Sangamon County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- All Fish
- 6 Fish Daily Creel Limit
- Channel Catfish
- Trout
- Fall Closed Season (10)
 - Spring Closed Season (11)
- Waverly Lake, City of Waverly
- Morgan County
- 2 Pole and Line Fishing Only (1)
- All Fish
- 6 Fish Daily Creel Limit
- Channel Catfish
- Large or Smallmouth Bass
- 13" Minimum Length Limit
- Weinberg-King Pond, Weinberg-King State Park
- Schuyler County
- 2 Pole and Line Fishing Only (1)
- All Fish
- 6 Fish Daily Creel Limit
- Channel Catfish
- Weldon Springs Lake, Weldon Springs State Park
- Dewitt County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit
- Large or Smallmouth Bass
- 15" Minimum Length Limit
- Large or Smallmouth
- 1 Fish Daily Creel Limit
- Bass (14)
- West Frankfort New City Lake, City of West Frankfort
- Franklin County
- 2 Pole and Line Fishing Only (1)
- All Fish
- 6 Fish Daily Creel Limit
- Channel Catfish
- West Frankfort Old City Lake, City of West Frankfort
- Franklin County
- 2 Pole and Line Fishing Only (1)
- All Fish
- 6 Fish Daily Creel Limit
- Channel Catfish
- 6 Fish Daily Creel Limit
- Large or Smallmouth Bass
- 14" Minimum Length Limit
- Walleye, Sauger, or Hybrid
- 14" Minimum Length Limit
- Walleye

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- Channel Catfish
- 6 Fish Daily Creel Limit
- West Salem Reservoir, City of West Salem
- Edwards County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
- Channel Catfish
- 6 Fish Daily Creel Limit
- Large or Smallmouth Bass
- 14" Minimum Length Limit
- White Hall City Lake, City of White Hall
- Greene County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- All Fish
- 6 Fish Daily Creel Limit
- Channel Catfish
- White Oaks Lake, City of Bloomington
- McLean County
- 15" Minimum Length Limit
- Large or Smallmouth Bass
- 1 Fish Daily Creel Limit
- Large or Smallmouth
- 1 Fish Daily Creel Limit
- Bass (14)
- Wilderness Lake, Moraine Hills State Park
- McHenry County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 3 Fish Daily Creel Limit
- Channel Catfish
- 6 Fish Daily Creel Limit
- Large or Smallmouth Bass
- 14" Minimum Length Limit
- Large or Smallmouth Bass (14)
- Wilderness Pond, Fox Ridge State Park
- Coles County
- 2 Pole and Line Fishing Only (1)
- (Recreational Use Restrictions - Waterford Refuge or Hunting Area (19))
- 2 Pole and Line Fishing Only (1)
- All Fish or Redear
- 5 Fish Daily Creel Limit
- Sunfish (14)
- 6 Fish Daily Creel Limit
- Channel Catfish
- 18" Minimum Length Limit
- Large or Smallmouth Bass
- 1 Fish Daily Creel Limit
- Bass (14)
- William W. Powers Conservation Area (33)
- Cook County
- Wolf Lake, William W. Powers Conservation Area (33)
- Cook County
- 2 Pole and Line Fishing Only (1)
- All Fish
- 6 Fish Daily Creel Limit
- Channel Catfish
- 14" Minimum Length Limit
- Large or Smallmouth Bass
- 14" Minimum Length Limit
- Walleye, Sauger, or Hybrid
- 14" Minimum Length Limit
- Walleye

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Woodford Co. Cons. Area (Fishing Ditch), Woodford County (33)

Conservation Area

Woodford County

All Fish

- 2 Pole and Line Fishing Only (1)

Woodlawn Pond, Frankfort Square Park District

Mill County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

Large or Smallmouth Bass

Large or Smallmouth

Bass (14)

- 1 Fish Daily Creel Limit

Wyan Lake, City of Sullivan

Moultrie County

All Fish

Channel Catfish

Trout

- 2 Pole and Line Fishing Only (1)

- 6 Fish Daily Creel Limit

- Spring Closed Season (11)

Yellow Creek

Stephenson County

Trout

- Spring Closed Season (11)

(Source: Amended at 21 Ill. Reg. 4709, effectiveAPR 11 1996)

Section 810.50 Bait Fishing

a) Statewide regulations.

- Legal sized cast nets, shad scoops, and minnow seines may be used to obtain shad, minnows and crayfish to use as bait, provided that they are not sold or traded. All cast nets shall be not larger than 8 feet in diameter or of a mesh size not larger than 3/8 inch bar measurement. All shad scoops shall be not larger than 30 inches in diameter or of a mesh size not larger than 1/2 inch bar measurement or longer than 4 feet in length. Minnow seines shall not be longer than 20 feet, deeper than 6 feet or contain mesh size larger than 1/2 inch bar measurement.
- Persons possessing a valid sport fishing license or combination hunting and fishing license may not take muskel.
- Aquatic life protected under 17 Ill. Adm. Code 1010 - Illinois List of Endangered and Threatened Fauna may not be taken for any purpose including bait fishing.
- The use of living river ruffe as bait is prohibited.
- The use of living nobies (round, tubenose) as bait is prohibited.
- The use of living rusty crayfish as bait is prohibited.

b) Site specific regulations.

None.

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(Source: Amended at 21 Ill. Reg. 4709, effective APR 11 1996)

Section 810.60 Bullfrogs (Repealed)

a) Statewide regulations-

- Bullfrogs may be taken by hand, pole and line fishing methods pitchfork, landing net, bow and arrow or bow and arrow device spear or gill. A landing net is defined as a hand-held net with no greater than 15 inch bar measurement netting an opening of not greater than 5 feet in diameter and a handle.
- No person shall take bullfrogs by commercial fishing devices including hoop nets, traps or seines or by the use of firearms, airguns or gas guns.
- The season is June 15 to August 31, both dates inclusive.
- The daily limit is 6; the possession limit is 16. Persons taking bullfrogs must have a valid sport fishing license or combination hunting and fishing license.
- Site-Specific Regulations

(Source: Repealed at 21 Ill. Reg. 4709, effective APR 11 1996)

Section 810.70 Free Fishing Days

During the period of June 7, 8, and 9, 1997 and 1998, it shall be legal for any person to fish in waters wholly or in part within the jurisdiction of the State, including the Illinois portion of Lake Michigan, without possessing a sport fishing license, or salmon stamp or inland trout stamp.

(Source: Amended at 21 Ill. Reg. 4709, effective APR 11 1996)

Section 810.90 Fishing Tournament Permit

a) A fishing tournament permit from the Department of Natural Resources is needed if:

- Prizes are offered for tagged or marked fish and where any of the waters listed in Section 810.45 are named as a tournament site; or
- The fishing event is conducted over a period of more than five (5) days during any calendar year, and prizes with a total value in excess of \$1,000 are offered, and where any of the waters listed in Section 810.45 are named as a tournament site; or
- Special exemption to the site specific regulations for daily

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creel and size limit (not exceed the statewide statutory limits) is requested for:

- A) catch, hold for weigh-in, and release tournaments for muskies (all waters), or smallmouth bass (streams only - except that the Mississippi, Ohio and Wabash Rivers are not eligible for permits which exempt participants from site specific daily catch and size limits); and
- B) special fishing tournaments/events for children under 16, for disabled persons, or for adults over 65.

- b) Requests Applications for a permit shall be made on applications provided by the Department of Natural Resources, Division of Fisheries, at least 60 days prior to the first tournament date.

- c) Issuance or denial of a permit shall be based upon the following criteria:

- 1) The capability of the fishery resource to absorb the tournament with minimal impact to its well-being.

- 2) The location of the tournament; catch and release management zones on streams are not eligible for permits.

- 3) The Mississippi, Wabash, and Ohio are not eligible for permits which exempt participants from daily catch and size limits for smallmouth bass.

- 4) The evaluation of the adverse impacts resulting from the additional fishing pressure generated by the tournament on the fish population and the targeted fish species. The evaluation of the adverse impacts and shorter seasons is in order for the Department of Natural Resources to issue the permit. Specific items to be considered include:

- A) biological status of the fish population, including the species sought;

- B) length of the tournament;

- C) number of boats and anglers participating in the tournament;

- D) for tagged fish tournaments, provisions for obtaining and tagging targeted fish species;

- E) safety of anglers and potential boat-user conflicts.

- 5) Demonstrates adequate provisions for holding, handling, and releasing caught fish. Specific criteria are:

- A) Tournament officials must be able to certify that all boats will be required to possess a livewell (except muskie fishing tournaments) measuring at least 18" long, 12" deep, and 12" wide and be fitted with a functioning aerator and water pump.

- B) Following the weigh-in, fish must be released away from the weigh-in site and as near to the spot where the catch was made as possible by means of a common release boat or vehicle, or by individual boats.

- C) If a common release boat or vehicle is utilized, the anglers transporting the fish to be released are exempt from the

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daily creel limit. A common release boat and holding tank used to transport fish for release shall be adequate to carry a tank constructed of a suitable material (aluminum or fiber glass) with smooth interior walls with no obstructions to trap or injure fish. The tank must be able to hold at least one gallon of water per pound of fish, provide adequate aeration, and maintain constant desirable temperature to sustain their well-being. The tank must have operating hatches to prevent fish from jumping out of the tank and allow quick opening and closing for introduction and removal of fish. Detailed specifications on the design and use of a fish holding tank are available upon request from the IDNR, Division of Fisheries. Individual boats and anglers returning their catches of fish back to a release site must adhere to daily creel limits. Tournament officials must be able to certify that a common release boat is being utilized for this tournament.

- D) For catch, weigh-in, and release muskie tournaments, all boats must have a fish cradle (made from netting) to temporarily hold the muskie in the water while an official determines the length or weight of the fish prior to release. Muskies may not be transported to a weigh-in site.

- 6) Adequate identification of participants in fishing tournament for law enforcement purposes. Specific criteria include:

- A) Tournament officials must keep and have available on site a written record or log of daily participants (including names and boat registration numbers) for inspection by Department of Natural Resources officials.

- B) Each participant and boat must be identified in an easily accessible manner at a distance (patch on the hat or back).

- c) Issuance or denial of a permit shall be based upon the Department of Natural Resources assessment of the capability of the fishery resource to absorb the tournament with minimal impact in determining whether or not to hold a fishing tournament. The Department will estimate the number of fish of a particular species to be caught in order to evaluate the impact of angling days per acre of water--items to be considered include:

- 1) Species sought?

- 2) Biological status of population(s) or species sought--the following parameters will be considered in assessing the biological status or condition of the population of the species sought:

- A) Population density?

- B) Growth rate?

- C) Age structure?

- D) Size structure and

- E) Recruitment?

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- 3) Length-of-tournament?
- 4) Projected--tournament--fishing--pressure--which-is-the-estimated total-number-of-angling-days-generated-by-a-tournament?
- 5) Provisions--for--obtaining--tagging--holding--handling--and/or releasing--fish?
- 6) Safety--and
- 7) Potential-boater-user-conflicts?
- 8) Waggged-Fishing-Tournament-permittees--must-consult-with-the-Division-of Fisheries--prior-to-tagging-and/or-releasing--tagged--fish--to--prevent conflict-with-Department-fish-tagging-project?
- 9) Failure to acquire a permit as referenced in subsection (a) (4) above is a petty offense and will result in denial of future applications for a Waggged Fishing Tournament Permit by that applicant, sponsor or group for a period up to five (5) years.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: 140.569
Adopted Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: April 2, 1997
- 6) Does this rulemaking contain an automatic renewal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 2, 1997
- 9) Notice of Proposal Published in Illinois Register: July 26, 1996 (20 Ill. Reg. 9810)
- 10) Has JCPR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: Several changes have been made in the text of the proposed rulemaking during the public comment period.

In the subsection newly labeled as (a)(2), the following language, which had been stricken in the proposed amendments, is being retained: "Medicaid eligible residents transitioning from Medicare to Medicaid while in the nursing facility." The new sentence reads:

This shall apply to Medicaid patients who are being discharged from the hospital or other setting where Medicaid reimbursement is at a rate higher than the exceptional care rate for related services or to persons who are in need of exceptional care services who would otherwise be in an alternative setting at a higher cost to the Department and Medicaid eligible residents transitioning from Medicare to Medicaid while in the nursing facility.

The subsection newly labeled as (a)(3) has been revised to read:

The Department shall negotiate rates with facilities requesting payment for exceptional care services (see Section 5-5.8a of the Public Aid Code [305 ILCS 5/5-5.8a]). In determining the rates of payment, the Department shall consider data collected from exceptional care providers during fiscal year 1994, any intervening rate adjustments (including any updates for inflation) and the average cost

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of each service category for the geographic area in which the facility is located. After approval of negotiated rates, the Department shall annually update a facility's rates for inflation.

Subsection (b)(2) has been revised, as follows:

The provider must demonstrate the capacity and capability to provide exceptional care as documented by Department of Public Health and Department of Public Aid records, including, but not limited to, being free of finalized Department of Public Health findings (exhaustion of appeals process with deficiencies remaining) after January 1, 1997, that the provider has deficiencies related to substandard quality of care during the period of time since the last standard certification survey or imposition of a conditional license.

In subsection (d)(1), "nursing staff members has" has been changed to "nursing staff members must have", and at the end of the subsection, ", and" has been changed to a period.

In subsection (e)(4), the comma after "therapist" has been stricken and a comma has been added after "the facility".

In the first sentence of subsection (i)(2), a comma has been added after "exceptional care reimbursement".

In subsection (j), "Statewide" has been changed to "Statewide".

No other changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.3	Amendment	March 21, 1997 (21 Ill. Reg. 3432)
140.5	Amendment	March 21, 1997 (21 Ill. Reg. 3432)
140.420	Amendment	March 21, 1997 (21 Ill. Reg. 3432)
140.421	Amendment	March 21, 1997 (21 Ill. Reg. 3432)
140.463	Amendment	December 27, 1996 (20 Ill. Reg. 16153)
140. TABLE B	Amendment	March 14, 1997 (21 Ill. Reg. 3042)

15) Summary and Purpose of Amendments: These amendments to the Department's exceptional care program for nursing facilities provide for several changes. Under the exceptional care program, the Department makes

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payments to nursing facilities for the care of residents who require a multi-disciplinary level of medical and nursing care involving extraordinary costs related to services, equipment and supplies that are medically necessary. The rulemaking simplifies exceptional care rate setting after the initial rate negotiation process for new providers of exceptional care, promotes cost effectiveness, increases access to exceptional care services and provides Department nursing staff with more time to address quality of care needs of facility residents. These amendments also increase the percentage of facility costs in qualifying for exceptional care reimbursement and expand the settings from which an eligible client may be discharged.

It is expected that implementation of these amendments will result in cost savings for the Department, but the amount of such potential savings are unknown at this time.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Joanne Jones
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-0081

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section
140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under Medical Assistance Programs
140.4 Covered Medical Services Under AFDC-WAIV for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under General Assistance
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance For a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-WAIV if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section
140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20 Submission of Claims
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22 Magnetic Tape Billings
140.23 Payment of Claims
140.24 Overpayment or Underpayment of Claims
140.25 Payment to Factors Prohibited
140.26

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140.27 Assignment of Vendor Payments
140.28 Record Requirements for Medical Providers
140.30 Audits
140.31 Emergency Services Audits
140.32 Prohibition on Participation, and Special Permission for Participation
140.33 Publication of List of Terminated, Suspended or Barred Entities
140.35 False Reporting and Other Fraudulent Activities
140.40 Prior Approval for Medical Services or Items
140.41 Prior Approval in Cases of Emergency
140.42 Limitation on Prior Approval
140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.55 Recipient Eligibility Verification (REV) System
140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
140.72 Voucher Advance Payment and Expedited Payments
140.73 Drug Manual Updates (Recordified)

SUBPART C: PROVIDER ASSESSMENTS

Section
140.80 Hospital Provider Fund
140.82 Developmentally Disabled Care Provider Fund
140.84 Long Term Care Provider Fund
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95 Hospital Services Trust Fund
140.96 General Requirements (Recordified)
140.97 Special Requirements (Recordified)
140.98 Covered Hospital Services (Recordified)
140.99 Hospital Services Not Covered (Recordified)
140.100 Limitation on Hospital Services (Recordified)
140.101 Transplants (Recordified)
140.102 Heart Transplants (Recordified)
140.103 Liver Transplants (Recordified)
140.104 Bone Marrow Transplants (Recordified)
140.110 Disproportionate Share Hospital Adjustments (Recordified)
140.116 Payment for Inpatient Services for GA (Recordified)
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SOURCE: Adopted at 3 Ill. Reg. 24, P. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 9508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 1999; peremptory amendment at 8 Ill. Reg. 19151, effective September 18, 1984; amended at 8 Ill. Reg. 21677, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22037, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22135, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 30, 1984; emergency amendment at 8 Ill. Reg. 23221, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 4, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg.

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Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13398, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 3, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18009, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 4223, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 23, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4307; amended at 11 Ill. Reg. 4387, effective March 6, 1987; amended at 11 Ill. Reg. 7684, effective April 11, 1987; emergency amendment at 11 Ill. Reg. 9165, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9165, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11598, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended

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at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16521, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18138, effective November 4, 1988; amended at 12 Ill. Reg. 19336, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 13, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3354, effective March 6, 1989; amended at 13 Ill. Reg. 3911, effective March 17, 1989; amended at 13 Ill. Reg. 4313, effective April 1, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 13, 1989; Sections 140.850 thru 140.896 reclassified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 reclassified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 reclassified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective

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October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 13, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12915, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 18366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17723, effective November 22, 1991; emergency amendment at 15 Ill. Reg. 18007, effective December 20, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 6006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18152, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993;

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amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 9591, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1084, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6583, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11137, effective August 1, 1996; amended at 20 Ill. Reg. 11845, effective October 1, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. ~~4777~~ 4777 ~~effective~~ APP 4-1-99.

SUBPART E: GROUP CARE

Section 140-569 Clients With Exceptional Care Needs

a) Exceptional Care Program

- 1) Pursuant to Section 5-5.8a of the Illinois Public Aid Code [305 ILCS 5/5-5.8a], the Department may make payments for exceptional care services to nursing facilities ["providers"] that which substantially meet licensure and certification requirements as may be prescribed by the Department of Public Health and are enrolled in and meet participation requirements of the Medical Assistance Program pursuant to Sections 140.11 and 140.12. For purposes of this Section, substantial compliance shall mean the:

A) Facility does not have Type-A violation;

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- B) Facility is currently enrolled in the Medical Assistance Program;
- C) Facility is licensed by the Department of Public Health;
- D) Facility does not have a conditional license;
- E) Facility must provide reasonable access to Medicaid patients; Access will be considered reasonable when:
 - 1) Medicaid recipients constitute at least 25% of the facility's average daily census; or
 - 2) the proportion of Medicaid recipients in the census has increased at least two percentage points over the previous year; or
 - 3) the facility can demonstrate that it admits patients without regard to income or Medicaid eligibility or to some other criteria which in essence prioritize admissions on the basis of financial resources; The basis for determining priority of admission must be expressed in policy. Records documenting consistent application of the policy must be maintained;
- F) Facility meets at least 92% of patient needs based on the last 100 assessment conducted;
- G) The Department may but is not required to enter into contracts with facilities offering exceptional medical services; referred to herein as Providers.
- H) Exceptional medical care is defined as the level of medical care with extraordinary costs related to services which may include required by persons who require a multi-disciplinary level of care for physician, nurse, and ancillary specialist services, and medical with exceptional costs related to extraordinary equipment and/or supplies that have been determined to be a medical necessity. This shall begin July 1, 1997; this may apply to Medicaid patients who are being discharged from the hospital or other setting where Medicaid reimbursement is at a rate higher than the exceptional care rate for related services or to persons who are in need of exceptional care services who would otherwise be in an extended setting at a higher cost to the Department and Medicaid than the standard rate for services provided by Medicaid while in the nursing facility. This includes but is not limited to persons with severe mental deficiency syndrome (MRB) or related conditions head-injured persons and ventilator dependent persons or persons with HIV/AIDS. In order for a person to be assessed for exceptional care placement the hospital must be entitled to receive Medicaid reimbursement as the primary source of payment for this person.
- I) The Department shall negotiate rates with facilities requesting payment for exceptional care services (see Section 5-5.8a of the Public Aid Code [305 ILCS 5/5-5.8a]). In determining the rates of payment, the Department shall consider data collected from exceptional care providers during fiscal year 1994, any

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interventions, rate adjustments (including any updates for inflation) and the average cost of each service category for the geographic area in which the facility is located. After approval of negotiated rates, the Department shall annually update a facility's rates for inflation. The Department shall negotiate with nursing-home providers and enter into a contract with providers; the rate of payment will be reasonable and adequate to cover the costs incurred by the facility providing exceptional care. Providers may terminate a facility's providing exceptional care services if the Department determines the rate of payment to the facility is not reasonable. The rate of payment to the facility is determined by the rate of cost information submitted by the facility.

- b) Exceptional Care Contract Requirements
- The Department may enter into agreements with providers for the provision of a contract for exceptional care services only if the provider agrees to the following terms and conditions:

1) The provider will maintain separate records regarding costs related to the care of the exceptional care residents reporting them in the ancillary section of the Department's long-term care facility cost reports.

2) The provider facility must demonstrate the capacity and capability to provide exceptional care as documented by Department of Public Health and Department of Public Aid records, including, but not limited to, being free of finalized Department of Public Health findings (exhaustion of appeals process with deficiencies remaining after January 1, 1997, that the provider has deficiencies related to substandard quality of care during the period of time since the last standard certification survey or imposition of a conditional license).

3) The provider must maintain and provide documentation demonstrating:

- Adherence to staffing requirements as set out in subsection (c) of this Section;
 - Adherence to staff training requirements as set out in subsection (d) of this Section;
 - Validity of written agreements as required in subsection (e) of this Section;
 - Presence of emergency policy and procedures as set out in subsection (f) of this Section;
 - Medical condition of the resident;
 - Care, treatments and services provided to the resident.
- 4) The provider must have and maintain physical plant adaptations to accommodate the necessary equipment, such as an emergency electrical backup system.
- 5) The provider must have and maintain an emergency electrical backup system.

- c) Exceptional Care Staffing Requirements
- Staffing requirements for providers of facilities providing

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exceptional care include:

- A minimum of one RN on duty on the day shift, seven days per week (as required by the Department of Public Health in 77 Ill. Adm. Code 300.1240 or 250.910(e) and (f)(1) as appropriate). Additional RN staff may be determined and necessary by the Department of Public Aid, based on the Department's review of the exceptional care services needs individual exceptional care clients--needs and/or the exceptional care needs relative to the category of services being contracted for;
- A minimum of one required number of RN staff (as required by the Department of Public Health in 77 Ill. Adm. Code 300.1240 or 250.910(e) and (f)(1) as appropriate), on duty 12 hours on call if not(e) and duty on the evening and night shifts, seven days per week; and
- For those providers of complex respiratory or ventilator services under the exceptional care program, a certified respiratory therapist technician or registered respiratory therapist, on staff or on contract with the provider facility for those facilities serving ventilator-dependent residents or residents requiring respiratory therapy services.

- d) Training Requirements for Providers of Facilities Providing Exceptional Care for Ventilator Dependent Residents

1) At least one of the full-time professional nursing staff members must have successfully completed a course in the care of ventilator dependent individuals and the use of ventilators, conducted and documented by a certified respiratory therapist or registered respiratory therapist or a qualified technician or nurse who has at least one year experience in the care of ventilator dependent persons, and

2) All staff caring for ventilator dependent residents must have documented inservice training in ventilator care prior to providing such care. Inservice training must be conducted at least annually by a certified respiratory therapy technician or registered respiratory therapist or a qualified registered nurse who has at least one year experience in the care of ventilator dependent persons. Inservice training documentation shall include name and qualification of the inservice director, duration of presentation, content of presentation and signature and position description of all participants.

- e) Exceptional Care Agreement Requirements

The provider must have a valid written agreement with:

- A medical equipment and supply provider which must include a service contract for ventilator equipment when accepting ventilator dependent residents;
- A local emergency transportation provider;
- A local hospital capable of providing the necessary care for equipment dependent residents, when appropriate; and
- A certified respiratory therapy technician or registered

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respiratory therapist (unless a respiratory therapist is on staff within the facility), when accepting ventilator dependent residents or residents requiring respiratory therapy services.

- f) Exceptional Care Emergency Policy and Procedures Requirements
The provider must have specific written policies and procedures addressing emergency needs for residents requiring exceptional care.

- g) Accessibility to Records

The provider must make accessible to IDPA and/or IDPH all Provider facility, resident and other records necessary to determine the needs of the resident are being met and to determine the appropriateness of exceptional care services.

- h) Provider Approval Process Contract-Negotiations

1) A Provider shall notify the Department, in writing, of its interest in participating in the Exceptional Care Program in writing by certified or registered mail, return receipt requested.

- 2) Negotiations between the provider and the Department shall be conducted solely on an individual facility basis. Multiple facility negotiations shall not be permitted.

- 3) Prior to the beginning of negotiations, the provider shall submit to the Department a completed Exceptional Care Data Sheet. The Department shall furnish such Data Sheet. The Exceptional Care Data Sheet shall require:

- A) Identification of the types, quantities and costs of services which the provider intends to offer;

- B) A staffing plan for the area of the facility serving exceptional care residents; and

- C) Documentation of the qualifications of staff serving exceptional care residents.

- 2.4) If approved by the Department, a written exceptional care agreement with the provider shall be executed. Such agreements are separate and distinct from the provider agreements specified in Section 140.11(a)(6) and are not subject to the provisions regarding notice and right to hearing in the event of termination specified in 89 Ill. Adm. Code 104.208 and 104.210. The Department shall provide each provider which has notified the Department of its interest in participation in the Exceptional Care Program with a copy of the proposed contract provisions by mailing such proposed contract provisions to the provider. Each contract shall be for a period of one year.

- 2.5) Renewal/Nonrenewal of Exceptional Care Contracts
Providers desirous of renewing exceptional care contracts must contract the Department in writing 60 days prior to the expiration date of the contract to express their intent to renew the contract.

- 2) Upon receipt of the providers intent to renew their contract the Department shall open negotiations as set forth in subsection (h) of this Section.

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- 3) Providers desiring to discontinue providing exceptional care terminate or do not renew their contract shall notify the Department, in writing, at least 60 days prior to the date of termination or contract expiration. Payment for new admissions at an exceptional care rate will not be made to those providers who do not have a valid exceptional care contract. Payment for exceptional care residents already residing in facilities which notify the Department that they wish to discontinue providing exceptional care services terminate or do not renew their contracts will remain at the previous exceptional care rate as long as the resident meets exceptional care criteria and as long as all related criteria are met by the provider until such time as the resident no longer requires exceptional care as determined by the Department's utilization review (see Contract Monitoring, subsections (k)(1)(2) and (3) of this Section) or the resident is discharged.

- 4) It is the responsibility of the nursing-home provider to effect appropriate discharge planning for exceptional care residents when terminating services for exceptional care or not renewing its contract. The Department agrees to assist providers with any information available regarding appropriate placement settings.

- 5) The Department may terminate a provider's agreement, for any reason, upon 60 days written notice to the provider. Reasons for which the Department may terminate an agreement include, but are not limited to, Department of Public Health findings that the provider has deficiencies related to standard quality of care or imposition of a conditional license.

- 1.7) Determining Eligibility for Exceptional Care Payment

- 1) A person being discharged from a hospital or those who are in another setting must be approved by an authorized Department representative prior to placement in a facility to be eligible for exceptional care payment. Payment Medicaid-eligible residents transitioning from Medicaid to Medicaid while in the nursing facility must be approved by an authorized Department representative approximately 30 days prior to the date Medicaid payment will begin.

- 2) In beginning July 1, 1991, in order for a person to be approved for exceptional care reimbursement, placement the cost of the person's care must be at least 50% more than the proposed admitting provider's Medicaid facility's per diem rate (capital, support and nursing components). Eligible items which may be used in computing the cost of the resident's person's care include nursing services costs, therapy services costs, and medical equipment and supply costs. Computations for determining cost of care shall be based upon maximum allowable costs for services, medical service equipment and supplies and HSA-wage rates for the proposed admitting provider facility as determined by the Department.

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1) Provision for Hospital Patients for which a Long Term Care Placement is Unavailable
In the event placement for a patient in need of exceptional care services or skilled nursing services cannot be located, the Department shall approve payment to the hospital in which the patient is receiving services at a rate not to exceed the average Statewide long term care provider per diem for the level of services provided. The rate of payment to the hospital shall not exceed the average statewide long-term-care-facility-per-diem-rate-for-the-level-of-services provided.

2) Contract/Monitoring

1) All utilization controls applied to exceptional care by the Department in accordance with the approved plan for medical services under the Illinois Public Aid Code (305 ILCS 5/5-2), and Title XIX of the Federal Social Security Act (42 U.S.C. 1396a) shall continue to apply to exceptional care provided under the Exceptional Care Program described in the Health Finance Reform Act (20 ILCS 2215/3-5).

2) The Department shall provide for a program of delegated utilization review and quality assurance. The Department may contract with Medical Peer Review organizations to provide utilization review and quality assurance under any contract negotiated for exceptional care.

3) The Department shall review exceptional care residents' utilization of services every 90 days. A review may be waived by the Department exceptional care staff if one or more previous assessments show that a resident's condition has stabilized. However, two consecutive reviews shall not be waived. Department exceptional care staff will maintain contact with the long term care provider facility regarding the resident's condition during the time period any assessment is waived.

4) In the event that it is determined that the resident is no longer in need of or receiving exceptional care services, the Department shall discontinue the exceptional care payment rate for the resident and reduce the rate of payment to the provider to the provider's facility's standard Medicaid per diem rate.

(Source: Amended at 21 Ill. Reg. 4777, effective APR 1, 1997)

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1) Heading of the Part: Hearing Instrument Consumer Protection Code

2) Code Citation: 77 Ill. Adm. Code 682

3) Section Numbers: Adopted Action:

682.100	Amendments
682.105	Amendments
682.110	Amendments
682.115	New Section
682.120	Amendments
682.130	Amendments
682.140	Amendments
682.150	Amendments
682.160	Amendments
682.170	Amendments
682.180	Amendments
682.185	New Section
682.190	Amendments
682.200	Amendments
682.210	Repealer
682.215	Amendments
682.220	Amendments
682.230	Amendments
682.240	Amendments
682.250	Amendments
682.260	Amendments
682.300	Amendments
682.310	Amendments
682.320	Amendments
682.330	Amendments
682.340	Amendments
682.350	Amendments
682.360	Amendments
682.400	Amendments
682.410	Amendments
682.420	Amendments
682.430	Amendments
682.440	Repealer
682.500	Amendments
682.510	Amendments
682.600	Amendments
682.610	Amendments
682.620	Amendments
682.700	Amendments

4) Statutory Authority: Hearing Instrument Consumer Protection Act [225 ILCS 50]

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Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, IL 62761
(217) 782-6187

- 5) Effective Date of Amendments: April 1, 1997
- 6) Does this Rulemaking Contain an Automatic Renewal Date? No
- 7) Does this Rulemaking Contain an Incorporation by Reference? No
- 8) Date Filed in Agency's Principal Office: April 1, 1997
- 9) Date Notice of Proposed Rules was Published in the Illinois Register: 20 Ill. Reg. 13236 - October 11, 1996
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No
- 11) Difference Between Proposal and Final Version: In Section 602.180 the following language has been deleted:
- Furthermore, all mail order sales advertisements shall contain a statement listing the states which exclude or restrict the sale of Hearing Instruments through the mail.
- Various editorial and technical changes recommended by the Joint Committee on Administrative Rules have been made.
- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? All changes requested by the Joint Committee on Administrative Rules have been made.
- 13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No
- 14) Are there any other Amendments Pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Illinois Hearing Instrument Consumer Protection Act is an Act to protect the hearing impaired public from incompetent and dishonest hearing instrument dispensers who could endanger the health, safety, and welfare of the people of Illinois. This Act gives the responsibility of implementation and enforcement to the Department. The rules reflect the amended Act which requires a 30 business day refund period, removes provision for temporary licenses, allows audiology graduate students to dispense under the supervision of a licensed dispenser, and exempts licensed audiologists from taking the written licensing examination.
- 16) Information and Questions Regarding this Adopted Rulemaking Should be Directed to:

Gail M. DeVito

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TITLE 77, PUBLIC HEALTH
CHAPTER IV, DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER J: VISION AND HEARING

PART 682

HEARING INSTRUMENT AID CONSUMER PROTECTION CODE

SUBPART A: GENERAL PROVISIONS

Section	
682.100	Definitions
682.105	Incorporated and Referenced Materials
682.110	Information which shall be Given to Hearing Instrument Aid Users
682.115	Thirty-Business-Day Return Privilege
682.120	Description of Hearing Instruments Aids
682.130	Consumer Complaint Notification Cards
682.140	Consumer Records
682.150	Information to be Submitted by a Corporation, Partnership, Trust, Association or Other Entity
682.160	Inspections
682.170	Audiometer Calibrations
682.180	Mail Order Sales
682.185	In-Office Sales Promotions
682.190	Liability Insurance
682.195	Required Forms

SUBPART B: HEARING INSTRUMENT AID DISPENSER LICENSE

Section	
682.200	Application Procedures
682.210	Issuance of a Temporary License (Repealed)
682.215	Supervision of Students
682.220	Duplication of a License
682.230	Place of Business
682.240	Display of License
682.245	Expiration of Licenses and License Renewals
682.250	Inactive Status Request

SUBPART C: TEST PROCEDURES FOR DISPENSING HEARING INSTRUMENTS AIDS

Section	
682.300	Established Test Procedures
682.310	Period of Time Tests Are Valid
682.320	Tests Performed by Others
682.330	Hearing Instrument Aid Selection: Persons Eligible to Test and Recommend
682.340	Audiometric Tests for Children, Developmentally Delayed Persons and Physically Disabled Persons

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Audiometric Tests for Replacement Hearing Instrument Aid
Equipment Needed

SUBPART D: HEARING INSTRUMENT AID DISPENSER EXAMINATION

Section	
682.400	Administration of the Examination
682.410	Identification Needed to Take the Examination
682.420	Examination: Written and Practical
682.430	Notification of Examination Results
682.440	Temporary License Expiration (Repealed)
682.450	Examination Due Process

SUBPART E: ETHICAL PRACTICE

Section	
682.500	Dishonest, Unethical and Unprofessional Conduct
682.510	Advertising or Promotion

SUBPART F: DISCIPLINARY ACTIONS

Section	
682.600	Administrative Hearings
682.610	Disciplinary Action
682.620	Restoration of Revoked or Suspended Licenses

SUBPART G: CONTINUING EDUCATION

Section	
682.700	Continuing Education

APPENDIX A	Application Form (Repealed)
APPENDIX B	Supervision and Training Agreement Form (Repealed)
APPENDIX C	License Authorization Form (Repealed)
APPENDIX D	Certificate of Insurance (Repealed)
APPENDIX E	Surety Penal Bond (Repealed)
APPENDIX F	Inactive Status Request (Repealed)
APPENDIX G	Registration of Hearing Aid Dispensers Employed by a Hearing Aid Corporation, Partnership, Trust, Association or Other Entity (Repealed)
APPENDIX H	License Renewal Form (Repealed)
APPENDIX I	Audiometer Calibration Form (Repealed)
APPENDIX J	License Correction Form (Repealed)

AUTHORITY: Implementing and authorized by the Hearing Instrument Consumer Protection Act (225 ILCS 50).

SOURCE: Adopted at 11 Ill. Reg. 7690, effective April 15, 1987; amended at 12

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"Licensed Dispenser" means a Hearing Instrument Dispenser who has passed the required portion(s) both the written and practical portions of the Department's Hearing Instrument Aid Dispenser Examination and has paid the appropriate fees for the license.

"Licensed Physician" means a physician licensed to practice medicine in all of its branches. (Section 3(g) of the Act)

"Masking" means the process by which a second sound stimulus is introduced to the nontest ear to isolate the response of the test ear from that of the nontest ear.

"Medical Evaluation" means a written statement, signed by a licensed physician, licensed to practice medicine in all of its branches by the Department of Professional Regulation pursuant to the Medical Practice Act [225 ILCS 60] (41st Rev. Stat. 1997, ch. 117, par. 4401-4470), which states that the patient's hearing loss has been medically evaluated and the patient is may be considered a candidate for a hearing instrument aid--and which. The medical evaluation must have taken place within 6 months immediately preceding the date of the sale of the hearing instrument to time the written statement is presented by the prospective hearing instrument aid user, to the hearing aid dispenser. (Section 4 of the Act)

"Most Comfortable Loudness" (MCL) means a level at which sound is most comfortable for the client, that is loudness of sound sufficient and adequate to be easily heard by the listener without the sound being painful or having disturbing features.

"National Board Certified Hearing Instrument Specialist" means a person who has had at least 2 years in practice as a hearing instrument dispenser and has been certified after qualification by examination by the National Board for Certification in Hearing Instruments Sciences. (Section 3 of the Act)

"Observer(s)" means a licensed Hearing Instrument Dispenser who observes temporary licensees or observes students engaged in dispensing activities described in Section Sections 68220(d)(2) and 682.21(c).

"Place of Business" means a location where Hearing Instruments hearing aids are exhibited or the services are offered for sale or lease on a continuing basis; where the Hearing Instrument hearing aid purchaser can have personal contact and counsel with the licensed Hearing Instrument Dispenser hearing aid dispenser and obtain service during the firm's business hours; where the licensed Hearing Instrument Dispenser dispenser maintains a depository of all client records; where the licensee normally conducts business; and is the address

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given for the purpose of retail sales tax to the Illinois Department of Revenue.

"Practice of fitting, dispensing or servicing of hearing instruments aids" means the selection, adaptation, sale or service of hearing aids and includes the selection, measurement of human hearing with by means of an audiometer, properly calibrated to the current American National Standard Institute standards, for the purpose of making recommendations, adaptations, services, or sales of hearing instruments including the making of earmolds as part of the hearing instrument. (Section 3(j) of the Act)

"Primary Supervisor" means the licensed dispenser who has completed and signed the supervision and training agreement form.

"Running Speech" means unemotional connected discourse (speech which is void of words or phrases which would arouse strong feelings (emotional) in the listener).

"Sell" or "Sale" means any transfer of title or of the right to use by lease, bailment, or any other contract, excluding wholesale transactions with distributors or dealers. (Section 3(k) of the Act)

"Speech Reception Threshold" means the lowest hearing level in decibels at which the client can respond correctly to at least 50% of the two-syllable words (spondaic words) presented via recording or live voice.

"Spondaic Words" means words containing two syllables which are pronounced with equal emphasis.

"Student" means any nonlicensed individual involved in supervised Hearing Instrument dispensing activities who is enrolled full-time in a graduate program of audiology in an accredited college or university. (Section 11 of the Act)

"Supervisor" means the licensed Hearing Instrument Dispenser who is responsible for the Hearing Instrument dispensing activities of a student.

"Temporary license" means a license issued while the applicant is in training or is qualifying to become a licensed hearing aid dispenser; has passed the written or practical exam and has paid the appropriate fees for the licensee. (Section 3(d) of the Act)

"Uncomfortable Loudness Level" (UCL) means the level at which the client indicates that sound is uncomfortably loud.

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(Source: Amended at 21 Ill. Reg. 4799, effective APR 01 1997)

Section 682.105 Incorporated and Referenced Materials

The following materials are incorporated or referenced in this Part:

- a) The following materials are incorporated or referenced in various sections of this Part:
 - 1) ANSI S3.3-6 1989 (ASA B1) 1969-R-1999) American National Standards Institute 1430 Broadway New York, New York 10018, or ASA Standards Distribution Center Publication-Sales-Dept-979 1650 Bluegrass Lakes Parkway American-Institute-of-Physics P.O. Box 6996 395-45th-Street Alpharetta, GA 30239-6996 New-York-New-York-10017 (See Sections 682.170(c), 682.170(e)(4), 682.300(b) and 682.300(d))
 - 2) ANSI S3.21-1978 (ASA J9) Methods for Pure Tone Threshold Audiometry American National Standards Institute 1430 Broadway New York, New York 10018 (See Section 682.300(a))
 - 3) ANSI S3.1-1991 (ASH 93) 1997-reviston-of-ANSI-S3.1-1969 Maximum American-National-Standard-Criteria-for Permissible Ambient Noise Levels for during Audiometric Test Rooms Testing American National Standards Institute 1430 Broadway New York, New York 10018 (See Section 682.300)

b) The following Federal regulations are incorporated in this Part: 21 CFR 801.420 and 801.421 (1986). (See Sections 682.170(c) and 682.170(e)(4))

c) The following State rules and State law are referenced in this Part: 217 Rules of Procedure and Procedures in Administrative Hearings [71 ILCS 100]

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2) 64 Consumer Fraud and Deceptive Business Practices Act [815 ILCS

505] 311-New-Stat-1969-eb-121-1/9-Par-969-et-seq

d) All incorporations by reference refer to the materials on the date specified and do not include any additions or deletions subsequent to the date specified.

e) All citations to Federal regulations in this Part concern the specified regulation in the 1986 Code of Federal Regulations, unless another date is specified.

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f) Copies of all incorporated materials are available for inspection and duplication by the public at the Department's Central Office, Division of Health Assessment and Screening (535 West Jefferson, Springfield, Illinois 62761).

(Source: Amended at 21 Ill. Reg. 4799, effective APR 01 1997)

Section 682.110 Information which shall be Given to Hearing Instrument Aid Users

- a) Whenever a sale or service of one or more hearing instruments aid involving \$50 or more is contracted to be made, whether under a single contract or under multiple contracts, at the time of the transaction, the hearing instrument aid dispenser shall furnish the consumer with a fully completed receipt or contract pertaining to that transaction, in substantially the same language as that used in the oral presentation to the consumer. The receipt or contract shall contain the dispenser's name, license number, business address, business phone number, and signature; the name, address and signature of the purchaser of the hearing instrument aid; and the name and signature of the purchaser if the consumer and the purchaser are not the same; the hearing instrument aid manufacturer's name, and the model and serial numbers number-or-name-that-clearly-identifies-the-hearing-aid; the date of purchase; and the charges required to complete the terms of the sale fully and clearly stated. When the hearing instrument aid is delivered to the consumer or purchaser, the serial number shall be written on the original receipt or contract and a copy shall be given to the consumer or purchaser. If a used hearing instrument aid is sold, the receipt and the container thereof shall be clearly marked as "used" or "reconditioned", whichever is applicable, with terms of guarantee, if any. (Section 4 of the Act)
- b) If a medical evaluation is not obtained, a copy of the medical waiver shall be presented to the consumer for his signature and a copy of this document shall be attached to the consumer's copy of the contract/receipt. The medical waiver shall be a separate document from the contract/receipt.

(Source: Amended at 21 Ill. Reg. 4799, effective APR 01 1997)

Section 682.115 Thirty-Business-Day Return Privilege

a) All hearing instruments offered for sale must be accompanied by a 30-business-day return privilege. (Section 4 of the Act)

1) At the time the hearing instrument is delivered, the licensed hearing instrument dispenser must furnish the consumer with a fully completed receipt or copy of the contract pertaining to the

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sale that contains a statement informing the consumer that he or she may return the Hearing Instrument for a refund within 30 business days. In immediate proximity to the space reserved in the contract for the signature of the consumer there shall be a statement, in bold 10 point type, in substantially the following form: "You, the buyer, may request a refund within 30 business days of the delivery. This refund period extends to _____."

- b) If during the 30-business-day refund period, the Hearing Instrument and/or accessories are returned to the manufacturer/supplier for adjustment or repair, the refund period will be extended, affording the consumer the remainder of the refund period.

(Source: Amended at 21 Ill. Reg. 4799, effective APR 11 1997)

Section 682.120 Description of Hearing Instruments Aids

No terms or combination of terms may be used, either written or verbal other than "new," "used" or "reconditioned." (Section 4 of the Act)

(Source: Amended at 21 Ill. Reg. 4799, effective APR 11 1997)

Section 682.130 Consumer Complaint Notification Cards

A consumer complaint notification form and poster, provided by the Department of Public Health, shall be utilized as specified in Section 4 of the Act. The poster shall always be displayed wherever Hearing Instruments hearing-aids are dispensed except for "in home" sales.

(Source: Amended at 21 Ill. Reg. 4799, effective APR 11 1997)

Section 682.140 Consumer Records

Required consumer records for licensed Hearing Instrument Dispensers hearing aid--dispensers shall be copies of medical evaluations, medical waivers, contracts or receipts, and audiometric test results (audiograms).

- a) The full name of the licensed Hearing Instrument Dispenser his--license--#--by--# and the date of the test shall be recorded on the audiogram.

- b) When a Hearing Instrument the--hearing--aid is sold, as defined in Section 3 of the Act, copies of all records that are set forth in this Section shall be retained at the place of business shown on the contract for a minimum of 36 months. (21 CFR 801.421(d) and Section 4 of the Act)

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(Source: Amended at 21 Ill. Reg. 4799, effective APR 11 1997)

Section 682.150 Information to be Submitted by a Corporation, Partnership, Trust, Association or Other Entity

Each corporation, partnership, trust, association or other entity engaging in the business of testing, fitting, servicing, selecting, dispensing, selling, or offering for sale hearing instruments aids at retail shall file, with the Department, prior to doing business in this State and by July 1 of each calendar year thereafter, a list of all licensed and temporary-licensed hearing instrument aid dispensers employed by it; the business name, address, county, and phone number; and the name of the owner and/or manager on forms prescribed by the Department and a statement attesting that it complies with this Act and the rules promulgated under it hereunder and the regulations of the Federal Food and Drug Administration (21 CFR 801.420 et seq.). (Section 5 of the Act) The Department shall be notified, in writing, of any changes to the information provided.

(Source: Amended at 21 Ill. Reg. 4799, effective APR 11 1997)

Section 682.160 Inspections

The Department shall inspect places of business, where Hearing Instruments hearing-aids are dispensed, at least once every three years. The following shall be inspected: display of the Department Poster; possession of the Department's Department-of Consumer Complaint Notification Forms; audiometer calibration data sheet; Notice of Cancellation Forms; contracts/receipts and medical waiver forms, which the licensed Hearing Instrument Dispenser uses--and-for-the-Temporary-licensed--the-log-of-dispensing-activities--observed by-the-Primary-Supervisor-and/or-Observer. Individual client records shall not be inspected without the written consent of the client or guardian.

(Source: Amended at 21 Ill. Reg. 4799, effective APR 11 1997)

Section 682.170 Audiometer Calibrations

An annual Audiometer calibration shall be conducted on each audiometer used in dispensing Hearing Instruments hearing-aids--a minimum-of-once--each-year.

- a) Audiometer calibration data sheets shall be kept on file, at the licensed Hearing Instrument Dispenser's place of business, for four years after the date of calibration.

- b) The audiometer calibration data sheet shall include the following:
1) Audiometer identification consisting of make, model and serial number.
2) The calibrator's identification consisting of the company name,

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the company address and the name of the individual who conducted the calibration.

- 3) Audiometer calibration readings for air and bone conduction, speech, rise and decay time, and masking.
- 4) Calibrator's certification that the audiometer meets or exceeds American National Standard Institute (ANSI) standards. (See Section 682.105(a)(1))
- 5) Date of calibration.
- c) Calibration shall be accomplished by the manufacturer or a person equipped with instruments for calibrating audiometers.
- d) Calibration of audiometers shall be in accordance with the Standards set by the American National Standard Institute. (See Section 682.105(a)(1))
- e) The licensed Hearing Instrument Dispenser shall indicate the make of the audiometer, the model, serial number and the date of the last ANSI calibration, for each audiometer used in Hearing Instrument hearing aid dispensing activities on the Audiometer Calibration Form, which shall be signed and sent to the Department, by December 1, each year.

(Source: Amended at 21 Ill. Reg. 4799, effective APR 1 1997)

Section 682.180 Mail Order Sales

Businesses engaged in the mail order sale of Hearing Instruments hearing-aids shall submit a Disclosure Statement as specified (Section 6 of the Act) and a statement that the organization employs only licensed individuals in the dispensing of hearing instruments and maintains files with the Department, by January 1 of each year, a list of all licensed hearing instrument aid dispensers employed by it.

(Source: Amended at 21 Ill. Reg. 4799, effective APR 1 1997)

Section 682.185 In-Office Sales Promotions

Unlicensed Hearing Instrument manufacturer representatives, conducting in office sales promotions, are prohibited from consumer contact prior to the testing of hearing and recommendation of a specific Hearing Instrument by a licensed Hearing Instrument Dispenser. The testing or evaluation of a consumer, utilizing electroacoustic equipment, by a manufacturer's representative not licensed as a Hearing Instrument Dispenser, in Illinois, is prohibited.

(Source: Amended at 21 Ill. Reg. 4799, effective APR 1 1997)

Section 682.190 Liability Insurance

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- a) All persons licensed under this Act shall maintain liability insurance (malpractice). (Section 4 of the Act)
- b) A licensed Hearing Instrument Dispenser dispenser who possesses liability insurance, which provides coverage only while the licensed Hearing Instrument Dispenser is dispensing for a particular employer, shall not dispense Hearing Instruments hearing-aids as a self-employed or for another employer without obtaining separate liability insurance coverage for the Hearing Instrument dispensing activities while self-employed or dispensing for the other employer(s).

(Source: Amended at 21 Ill. Reg. 4799, effective APR 1 1997)

SUPPORT B: HEARING INSTRUMENT AID DISPENSER LICENSE

Section 682.200 Application Procedures

Applicants for licensure shall submit to the Department the following forms and fees, which are required for license application:

- a) Application processing fee - \$35;
- b) Application form, which requests the following information: name of applicant, social-security-number, birthdate, sex, home mailing address, home phone number, business or agency name, business mail to address, business phone number, preferred mailing address, highest level of education, any previous hearing aid dispensing certification held, primary supervisor's name-# number, number of years applicant has dispensed Hearing Instruments hearing-aids, previous convictions or disciplinary actions against the applicant dispenser, citizenship status, indication that applicant is free of infectious disease, and Hearing Instrument Aid Consumer Protection Act compliance statement with the signature of applicant;
- c) Supervision-and-Training-Agreement-forms-which-is-only-required-for temporary-license-applicants-and-requests-the-following information:-the-name-of-the-Primary-Supervisor-the-Observer-and-the-Temporary-Licensee-the-signature-and-isB-number-of-the-Primary-Supervisor-and-Observer(s)-and-the-Primary-Supervisor's-address-and-phone-number;
- d) Temporary-License-Fee---\$40-(6-months)
- e) License Fee - \$80 (2 year)
- f) Duplicate/Additional License Fee - \$10 (each);
- g) Proof of Liability Insurance, which shall give the name and address of the agency; the name(s) and address(es) address of the applicant(s) dispenser(s) insured; the name of the company affording coverage; the type of insurance (malpractice); the policy number; policy expiration date; limits of liability in thousands; any cancellation clause(s) and the address of the Department as the agency to be notified if the policy is cancelled or expires; and

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- f) Surety--Penalty-Bond-when-applicable-in-the-sum-of-at-least-\$5000,-as specified-in-Section-ii-of-the-Act;
g) *An applicant who is a licensed audiologist is not required to take the written examination.* (Section 8 of the Act) In order to verify the individual's status as a licensed audiologist, a copy of the applicant's current audiology license is required.

(Source: Amended 21 Ill. Reg. 4799, effective APR 01 1997)

Section 692.210 Issuance of a Temporary License (Repealed)

- a) *An applicant who fulfills the requirements as set forth in Section 8 of the Act may obtain a temporary license upon application and successful completion of written or practical examinations. The applicant will be issued a temporary license for a period not to exceed 6 months. A temporary license shall not be renewable.* (Section 8 of the Act)
b) Applicants for a temporary license shall be supervised by a licensed practitioner.
c) *When the fee for the temporary license hearing and dispensing is added to the business address, shall bear the primary supervisor's name and license number.*
d) Responsibilities of the primary supervisor--supervisor's employer and/or observer(s):
1) The primary supervisor and observer(s) shall be responsible for the supervision and training of the applicant;
2) The primary supervisor or observer(s) shall personally have a minimum of 5 hours per week of face-to-face communication with each temporary licensee with less than 2 years experience dispensing hearing aids; the temporary licensee shall be observed performing hearing aid dispensing activities (Section 3(f) of the Act) and counseling clients;

- 3) A record of these personal observations by either the primary supervisor or the observer(s) listed on the Supervision Agreement Form shall be maintained in a log by the temporary licensee. This log shall indicate the following: the activity observed, the amount of time the activity was observed, the date the activity was observed and the signature of the primary supervisor or the observer who viewed the activity;
4) *The supervisor and the supervisor's employer shall be jointly and severally liable for any acts of the temporary licensee holder relating to the practice of fitting or dispensing hearing aids as defined in this Act and the rules promulgated hereunder.* (Section 3(f) of the Act)

- 5) Primary supervisors and the supervisor's employer shall be responsible for the acts of trainees in the practice of fitting and dispensing of hearing aids until the supervisor notifies the

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Department and the trainee in writing, by certified mail, of the termination of the relationship;
6) If supervision by the primary supervisor is terminated--the temporary licensee must find another primary supervisor shall complete and submit to the Department a new Supervision Agreement Form and shall not dispense hearing aids until the dispenser possesses an amended temporary license which has the current primary supervisor's name on it--the date of expiration of the temporary license shall not change with the new primary supervisor.

- 7) A primary supervisor shall not supervise more than five temporary licensees during any one period of time--there shall not be a limit on the number of observers a temporary licensee may use and a primary supervisor can serve as an observer for other temporary licensees.
c) The Department shall deny or revoke the supervisory or observational responsibilities of any person for any action specified in Section 8 of the Act--the person who shall be used to make this determination is the applicant's employer having done any of the following: pleading, not contesting, being convicted of a felony or misdemeanor under the laws of the United States or any State or territory--being disciplined by a governmental or professional association--being subject to any currently effective injunctive or restrictive order as a result of actions specified in Section 10 of the Act--A certified copy of the court record or a notarized letter from a government body or professional organization which shall detail the basis for the disciplinary action shall be proof that the standard for denial of observational or supervisory responsibility has been met.

- f) When the Department receives the documents described in Section 692.200 of this Part--a temporary licensee(s) shall be sent to the business address(es) listed on the license Application Form:

(Source: Repealed at 21 Ill. Reg. 4799, effective APR 01 1997)

Section 692.215 Supervision of Students

- a) Full-time students enrolled in a program of audiology in an accredited college or university may engage in the dispensing of hearing instruments aids under the supervision of a licensed hearing instrument aid dispenser without a temporary license for a period not exceeding 6 months. (Section 11 of the Act)
b) At least fifty percent of each Hearing Instrument dispensing activity by a student must be observed directly by a licensed Hearing Instrument Dispenser responsible for the supervision of the student. The primary supervisor of a student(s) engaged in dispensing activities shall notify the Department of such supervision--by

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completing--and--returning--to--the--Department--the--Supervision--and
Training--Agreement--Form:

- c) Until such time when the student has obtained a Hearing Instrument Dispenser License temporary license--(6-months)--or--license--(2-years), dispensing of Hearing Instruments hearing-aids off campus is limited to sites or programs affiliated with, or operated under, the auspices and approval of the program of audiology in the college or university in which the student is enrolled.

- d) A primary supervisor shall not supervise more than five students at one time. There shall be no limit on the number of observers a student may use and a primary supervisor can serve as an observer for other students.

- e) Supervisors' primary-supervisors and the supervisors' employer shall be responsible for the acts of students in the practice of fitting and dispensing of Hearing Instruments hearing-aids--until--the--supervisor notifies--the--Department--and--the--student--in--writing--by--certified--mail--of--the--termination--of--the--relationship.

(Source: Amended at 21 Ill. Reg. 4799, effective APR 11 1992)

Section 682.220 Duplication of a License

Photocopying, reproducing or duplicating a Department Hearing Instrument Aid Dispenser License by any person other than the Department is prohibited.

(Source: Amended at 21 Ill. Reg. 4799, effective APR 11 1992)

Section 682.230 Place of Business

- a) On the Application Form, each applicant hearing--aid--dispenser shall indicate his or her name and the name, address, county and phone number of all places of business from which Hearing Instruments hearing-aids will be dispensed.

- b) If the place of business of a licensee is changed from the address(es) provided on any Hearing Instrument Dispenser License(s), licensee(s) and/or changed from the preferred mailing address provided to the Department, on the application, the licensee shall file written notice thereof with the Department via the License Correction Form within ten working days of the change. The following information shall be provided by the licensed Hearing Instrument Dispenser: the licensed Hearing Instrument Dispenser's dispenser's corrected business address, phone and business county, and an indication if the correction is for a duplicate Hearing Instrument Dispenser License license, for a new Hearing Instrument Dispenser License license (a new business address), for the deletion of a current Hearing Instrument Dispenser License license business address or for a change in the

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preferred mailing address. The Department shall confirm in writing to the licensed Hearing Instrument Dispenser dispenser that the changes have been made in the Hearing Instrument Dispenser's dispenser's records.

- c) Except at those places of business where the consumer can receive Hearing Instrument hearing-aid services via another licensed Hearing Instrument Dispenser dispenser, who can be contacted at the dispenser's former business address and phone number, Hearing Instrument Dispensers dispensers who make a change in their business location shall leave a forwarding address, with the post office, for at least one year and a forwarding phone number, with the phone company, for at least four months, so that consumer(s) and the Department can contact the licensed Hearing Instrument Dispenser dispenser.

- d) Prior to the closing of a business, the licensed Hearing Instrument Dispenser is required to place an advertisement in a local or area newspaper, advising the public of the closing, and arrange for the transfer of records upon consumer request.

(Source: Amended at 21 Ill. Reg. 4799, effective APR 11 1992)

Section 682.240 Display of License

- a) Persons engaged in the selling, practice of testing, fitting, selection, recommending, dispensing of Hearing Instruments hearing-aids or who display a sign, advertising and representing themselves as persons who practice the fitting and selling of hearing instruments aid--after--January--1--1995, shall possess a current Hearing Instrument Aid Dispenser license that shall be conspicuously displayed in the place of business in accordance with Section 5 of the Act [225 ILCS 50/5] (1111-Rev-94-11-1111 per-7405). The address on the Hearing Instrument License license shall be the same as the address of the place of business where Hearing Instruments hearing-aids are dispensed where only one place of business is used.

- 1) When more than one place of business is in operation, more than 8 hours per week annually, an additional Hearing Instrument Dispenser License e-duplicate--license with the address of the additional place of business(es) shall be displayed.

- 2) If any place of business is in operation less than 8 hours per week annually, or if the Hearing Instrument dispensing is done in a consumer's home, a duplicate Hearing Instrument Dispenser License license with the address of the main place of business shall be displayed.

- b) When a licensed Hearing Instrument Dispenser hearing-aid-dispenser opens a new place of business prior to the commencement of business at the new address, an additional Hearing Instrument Dispenser License

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license, with the new address, shall be displayed.

- c) When engaged in Hearing Instrument dispensing activities a Hearing Instrument Dispenser shall produce the Hearing Instrument Dispenser License hearing-aid-dispenser-license upon request of any member of the public, employee of the Department, or employee of a law enforcement agency.

(Source: Amended at 21 Ill. Reg. 4793, effective APR 1 1997)

Section 682.250 Expiration of Licenses and License Renewals

- a) licensed Hearing Instrument Aid Dispenser Licenses shall be valid for two years.

1) The fee for renewal of the Hearing Instrument Dispenser License hearing-aid-dispenser-license shall be \$80 for the next two year period. The licensee shall send a completed License Renewal Form and the License Renewal Fee to the Department, postmarked no later than 30 days prior to the expiration date on the Hearing Instrument License. Failure to receive a notice to renew shall not relieve the licensed Hearing Instrument Dispenser of the obligation to pay the renewal fee 30 days prior to the expiration date on the Hearing Instrument License.

2) The Department shall send renewal and expiration notices to the licensee. The licensee shall send a completed License Renewal Form and the License Renewal Fee to the Department, postmarked no later than 30 days prior to the expiration date on the license. Failure to receive a notice to renew shall not relieve the licensee of the obligation to pay the renewal fee 30 days prior to the expiration date on the license.

3) The fee for each additional/duplicate Hearing Instrument Dispenser License is \$10.

b) Individuals who pass the Hearing Instrument Dispenser hearing-aid-dispenser-license examination and then pass the Hearing Instrument Dispenser Application Form and pay \$80 Hearing Instrument License fee for the issuance of a Hearing Instrument License plus \$10 for each additional Hearing Instrument License. This Hearing Instrument License shall be valid for two years.

c) If the Hearing Instrument Dispenser's License hearing-aid-dispenser-license has expired and the Hearing Instrument Dispenser has not practiced for at least 2 years, or more the Hearing Instrument Dispenser must successfully complete the Department's Hearing Instrument Aid Dispenser examination (written and practical) and pay all the required fees.

(Source: Amended at 21 Ill. Reg. 4793, effective APR 1 1997)

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Section 682.260 Inactive Status Request

A Any licensed hearing instrument aid dispenser who notifies the Department on the prescribed forms may place his or her such license on inactive status. (Section 20 of the Act)

(Source: Amended at 21 Ill. Reg. 4793, effective APR 1 1997)

SUBPART C: TEST PROCEDURES FOR DISPENSING HEARING INSTRUMENTS AIDS

Section 682.300 Established Test Procedures

These established tests and instrumentations shall be employed in the selection of Hearing Instruments hearing-aid, except for children or persons with developmental disabilities or physical disabilities. The test results and instrumentation used in the selection of Hearing Instruments hearing-aid shall be recorded for all persons. The ambient noise conditions within the room under which these tests results are obtained shall be described, i.e., any noise source that will influence the test results.

a) Air and bone conduction test results shall be obtained for each client in the manner specified in the American National Standard Institute-Methods for Pure Tone Threshold Audiometry (see Section 682.105(a)(2)).

b) Masking shall be applied to the nontest ear whenever the test results, which is referred to the test ear, arrives at and/or is likely to be crossed by the nontest ear.

c) Speech reception threshold shall be accomplished with a speech audiometer as defined in and calibrated to the American National Standards Institute Institute's Standard Specifications for Audiometers (see Section 682.105(a)(1)). The soundaids words shall be presented by recording or live voice. The results from either recorded or live voice testing shall be in decibels (dB) hearing level.

d) Speech discrimination tests shall be administered utilizing a speech audiometer as defined in and calibrated to the American National Standards Institute Institute's Standard Specifications for Audiometers (see Section 682.105(a)(1)). The results shall be recorded as the percentage of the total number of words correctly identified at a specified presentation level.

e) "Most Comfortable Loudness" shall be obtained using sound or running speech via recorded or live voice and shall be measured and recorded in decibels (dB) hearing threshold level.

f) "Uncomfortable loudness level" (UCL) shall be obtained using sound or running speech via recorded or live voice and shall be measured and recorded in decibels (dB) hearing threshold level.

(Source: Amended at 21 Ill. Reg. 4793, effective APR 1 1997)

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Section 682.310 Period of Time Tests Are Valid

The audiometric tests shall have taken place within 6 months immediately preceding the date any payment is made on a Hearing Instrument hearing-aid or if payment is not made, when the consumer takes possession of the Hearing Instrument hearing-aid.

(Source: Amended at 21 Ill. Reg. 4799, effective APR 11 1997)

Section 682.320 Tests Performed by Others

Audiometric tests performed, within the previous six months, by another licensed Hearing Instrument Dispenser or Licensed Audiologist or audiologist can be used to make a Hearing Instrument hearing-aid selection (see Section 682.330); however, it is the responsibility of the licensed Hearing Instrument Dispenser who sells the Hearing Instrument hearing-aid to ensure that all tests required by this Part have been conducted prior to dispensing a Hearing Instrument hearing-aid. The seller is also responsible for the Hearing Instrument hearing-aid which is dispensed.

(Source: Amended at 21 Ill. Reg. 4799, effective APR 11 1997)

Section 682.330 Hearing Instrument Aid Selection: Persons Eligible to Test and Recommend

Possession of a Department Hearing Instrument Aid Dispenser License is required for any person who performs tests which are used to recommend or for any person who makes the recommendation that a person obtain a specific or generic Hearing Instrument hearing-aid by make and model or specification.

(Source: Amended at 21 Ill. Reg. 4799, effective APR 11 1997)

Section 682.340 Audiometric Tests for Children, Developmentally Delayed Persons and Physically Disabled Persons

The tests and procedures used in dispensing of Hearing Instruments hearing-aids shall be appropriate to the individual subject, e.g., children or persons with developmental or physical disabilities.

(Source: Amended at 21 Ill. Reg. 4799, effective APR 11 1997)

Section 682.350 Audiometric Tests for Replacement Hearing Instrument Aid

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The minimum tests set forth in Section 682.300 are not required when the Hearing Instrument hearing-aid is a replacement of a Hearing Instrument aid of the same make and model within one year of the dispensing of the original hearing instrument. (Section 18(z) of the Act)

(Source: Amended at 21 Ill. Reg. 4799, effective APR 11 1997)

Section 682.360 Equipment Needed

Each licensed Hearing Instrument Dispenser shall have equipment capable of performing the tests described in Section 682.300 (a), (b), (c), (d), (e) and (f) of this Part.

(Source: Amended at 21 Ill. Reg. 4799, effective APR 11 1997)

SUBPART D: HEARING INSTRUMENT AID DISPENSER EXAMINATION

Section 682.400 Administration of the Examination

Individuals Dispensers may write to the Department for information on taking the Illinois Department of Public Health Hearing Instrument Aid Dispenser Examination.

(Source: Amended at 21 Ill. Reg. 4799, effective APR 11 1997)

Section 682.410 Identification Needed to Take the Examination

The applicant dispenser shall present the following at the examination site prior to taking the examination: a registration form validated by the Department or its designee; identification with the applicant's name and signature; and a driver's license or other similar photo identification. No one may take the examination without each of these documents.

(Source: Amended at 21 Ill. Reg. 4799, effective APR 11 1997)

Section 682.420 Examination: Written and Practical

The examination shall consist of written and practical tests. The written and practical tests shall be administered by the Department or its designee. These tests shall be administered at least once every two months. (Section 11 of the Act)

a) The examination shall cover those areas of knowledge specified in Section 9 of the Act. The examination shall also cover knowledge of the provisions of the Act and this Part. A passing grade, for the

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written examination, shall be a minimum score of 53 correct answers out of 75 questions.

- 1) An applicant who fails the written examination may retake the examination. An examination fee must be paid for each examination.
- 2) There shall be no limit on the number of times the written test can be retaken.
- b) The practical examination shall consist of 4 areas:
 - 1) Ear Mold Impressions: the candidate shall explain, to an examiner, the purpose for preparing the ear mold impression; describe the procedures followed in preparing the ear mold impressions; demonstrate preparation of the ear mold impression materials and make an acceptable ear mold impression.
 - 2) Pure Tone Audiometry: The candidate shall instruct an examiner before looking in the ear with an otoscope; look in the examiner's ear with an otoscope and identify the landmarks and findings of the ear examination; instruct the examiner prior to conducting pure tone audiometry; place the ear phone and bone conduction headphones on the candidate; instruct the candidate to conduct and bone conduction hearing threshold at 1000Hz and 2000Hz for both right and left ear and record the results on an audiogram.
 - 3) Speech Audiometry: The candidate shall set up an audiometer for speech audiometric testing; instruct the examiner prior to conducting speech reception threshold (SRT) measurements; compute and record the speech reception threshold; instruct the examiner prior to conducting speech discrimination measurement; compute and record the speech discrimination score; instruct the examiner for obtaining the most comfortable loudness level and uncomfortable loudness level.
 - 4) Hearing Instrument Aid: The candidate shall use a battery tester; test eight Hearing Instrument Hearing-Aid Batteries and identify the weak or dead batteries; examine seven malfunctioning Hearing Instruments Hearing-Aids; and correctly identify the problem areas in those Hearing Instruments Hearing-Aids.
 - c) The minimum passing scores for each area shall be as follows: Ear Mold Impression - 15 points out of 18, Pure Tone Audiometry 58 points out of 69, Speech Audiometry 14 points out of 19 and Hearing Instruments Aids 11 points out of 15.
 - d) The fee for the exam shall be \$200. The fee for retaking each failed area of the exam shall be \$50 per area.
 - e) If the applicant dispenser chooses to retake the practical examination, all of the areas failed must be retaken on the same date and continuously.
 - f) There shall be no limit on the number of times the practical test can be retaken.

(Source: Amended at 21 Ill. Reg. 4799, effective

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Section 682.430 Notification of Examination Results

A written notification of examination results will be issued by the Department, within 60 days, to all persons who take either the written or practical Hearing Instrument Dispenser hearing-aid-dispenser examination.

(Source: Amended at 21 Ill. Reg. 4799, effective

Section 682.440 Temporary License Expiration (Repealed)

If a dispenser's license expires the dispenser shall not dispense hearing aids.

(Source: Repealed at 21 Ill. Reg. 4799, effective

SUBPART E: ETHICAL PRACTICE

Section 682.500 Dishonest, Unethical and Unprofessional Conduct

Dishonest, unethical and unprofessional conduct shall include the activities set forth in Section 18 of the Act as well as the following actions.

- a) Stating or implying verbally or in writing that the use of a Hearing Instrument hearing-aid will restore normal hearing or preserve hearing or prevent or retard progression of hearing impairment.
- b) Physically abusing clients.
- c) Falsifying records.
- d) Representing, advertising, or implying that a Hearing Instrument hearing-aid is guaranteed without providing full disclosure of the identity of the guarantor; the nature, the extent, and duration of the guarantee; including the existence of conditions or limitations.
- e) When a deposit of \$50 or more is given to a licensed Hearing Instrument Dispenser hearing-aid-dispenser, it shall be considered unethical conduct for the licensed Hearing Instrument Dispenser dispenser to use a contract/receipt which does not specify the time limit between the signing of the contract and the time of the delivery of the Hearing Instrument(s) aid(s). The time limit shall not exceed 45 calendar days and it shall be prominently displayed in ten point type on the contract/receipt. If the Hearing Instrument hearing-aid is not available for delivery to the consumer/purchaser 45 calendar days after the date the contract/receipt was signed, the consumer/purchaser, in writing, shall be given the opportunity to have all his/her money refunded less the itemized cost of the examination and/or any custom made parts already received by the licensed Hearing Instrument Dispenser dispenser, which had been cost itemized on the

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contract/receipt when it was signed.

- f) Representing that the service of a physician licensed to practice medicine is all of its kind or made available in the form of a fitting adjustment, maintenance or repair of hearing instruments, aids when that is not true, or using the words "Doctor", "Audiologist", "Clinic", "Clinical Audiologist", "Certified Hearing Aid Audiologist", "State Licensed", "State Certified", "Hearing Care Professional", "Licensed Hearing Instrument Dispenser", "Licensed Hearing Aid Dispenser", "National Board Certified Hearing Instrument Specialist", "Hearing Instrument Specialist", "Licensed Audiologist", or any other term, abbreviation or symbol which would give the impression that service is being provided by persons who are licensed or awarded a degree or title, or that the person's service who is holding the license has been recommended by a governmental agency or health provider, when such is not the case. (Section 18(u) of the Act)
- g) Any money back guarantee provision contained in a contract/receipt for the sale of a hearing instrument hearing aid which fails to specify the duration of the guarantee and the maximum amount of time within which money will be refunded after a timely request for refund is made; specify in the contract/receipt the procedure which must be followed in order to exercise one's rights under such guarantee; and specify and itemize any and all limitations or deductions which will be subtracted from a refund, including, but not limited to: testing fees, service charges, custom ear molds or rental charges for wear and tear are prohibited.
- h) Cheating or dishonesty by an applicant a-dispenser on the examination shall be considered grounds for automatic failure and disciplinary action as specified in Section 18 of the Act.
- i) Submission of a check to the Department or a consumer for payment of fees or a refund when there are insufficient funds in the account upon which the check is drawn to cover the amount of the check. The return of the check to the addressee with the indication of insufficient funds is evidence that this violation has occurred.
- j) Dispensing hearing instruments hearing-aids without liability insurance.

(Source: Amended at 21 Ill. Reg. 4799, effective APR 11 1997)

Section 682.510 Advertising or Promotion

- a) Licensees who possess a Doctor's degree or possess any degree or title which contains the word "Doctor" shall indicate, in any advertisement regarding their qualifications, the abbreviation for that degree or title and the area of study for which the degree or title "doctor" was given.
- b) Licensees advertising in the State of Illinois relative to hearing instruments hearing-aids shall indicate a permanent business address

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(place of business) in the advertisement.

- c) Advertising a price for a "used" or "reconditioned" hearing instrument hearing-aids without indicating that the advertised price is for a "used" or "reconditioned" hearing instrument hearing-aids is prohibited.

(Source: Amended at 21 Ill. Reg. 4799, effective APR 11 1997)

SUBPART F: DISCIPLINARY ACTIONS

Section 682.600 Administrative Hearings

All administrative hearings shall be conducted in accordance with Sections 18 and 21 of the Act and they Department's Rules of Practice and Procedures in Administrative Hearings (77 Ill. Adm. Code 100). Final decisions by the Director relating to disciplinary proceedings shall be transmitted to the Attorney General, appropriate professional association, the news media, the employer of the person(s) subject to said discipline, the hearing instrument hearing-aids licensure boards and Attorneys General Attorney Generals of states bordering the State of Illinois and the Hearing Aid Industry Council.

(Source: Amended at 21 Ill. Reg. 4799, effective APR 11 1997)

Section 682.610 Disciplinary Action

Disciplinary actions by the Department shall be in the following order of severity: letter of reprimand, probation, suspension of license, denial of license or revocation of license. The severity of the disciplinary action shall be determined by the number of violations which have occurred: previous disciplinary actions which have been taken against a licensed hearing instrument dispenser; conviction of the licensed hearing instrument dispenser, for felonies or misdemeanors involving fraud or dishonesty, especially those convictions which are related to hearing instrument hearing-aids dispensing; the effect of the violation on a consumer versus a non-consumer degree of violation; and the licensed hearing instrument dispenser's dispenser's degree of cooperation in resolving a complaint which is a violation. The Department, with the approval of the Board, and not to exceed \$2000 plus costs for each subsequent violation of this Act, and the \$5000 plus costs for each subsequent violation of this Act, and the rules promulgated hereunder, on any person or entity described in this Act. Such fine may be imposed in addition to any other disciplinary measures, except of course, a hearing-aids fee-in-lieu. The imposition by the Department of a fine for violation does not bar the such violation from being alleged in subsequent disciplinary proceedings. Such fine shall be deposited in the Fund. (Section 18 of the Act)

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(Source: Amended at 21 Ill. Reg. 4799, effective APR 11 1991.)

Section 682.620 Restoration of Revoked or Suspended Hearing Instrument Dispenser Licenses

Persons whose Hearing Instrument Dispenser Licenses have been suspended or revoked may petition the Board for restoration of the license.

- The applicant shall specify the reasons for the restoration of the Hearing Instrument License.
- The applicant shall affirm, by signature and date, that during the period that the Hearing Instrument License was revoked or suspended, the applicant has not pleaded nolo contendere or been convicted of a felony or misdemeanor under the laws of the United States, any state or territory; been disciplined by another governmental or professional association for actions which involve fraud or dishonesty; is not subject to any currently effective injunctive or restrictive order as a result of the aforementioned actions; and has not engaged in Hearing Instrument Dispensing activities as described in Section 6 and Section 3(j) of the Act.
- The Board and Department shall guide the restoration of the Hearing Instrument License by the nature of the actions which caused the Hearing Instrument License to be suspended or revoked. The standards by which the Board shall be guided in its recommendation for the restoration of a Hearing Instrument License shall be as follows:
 - the number of violations which resulted in the revocation or suspension;
 - previous disciplinary actions which have been ordered against the petitioner dispenser;
 - conviction of the petitioner dispenser for felonies or misdemeanors involving fraud or dishonesty, during the period of revocation or suspension;
 - evidence of Hearing Instrument hearing-aid dispenser after Hearing Instrument License revocation or suspension;
 - the effect of the violations, which resulted in the suspension or revocation, on consumers; and
 - settlement of all consumer claims against the petitioner dispenser.
- Falsification of any information provided to the Department or Board shall be grounds for refusal to restore the Hearing Instrument License, suspension or revocation of the Hearing Instrument License license.

(Source: Amended at 21 Ill. Reg. 4799, effective APR 11 1991.)

SUBPART G: CONTINUING EDUCATION

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Section 682.700 Continuing Education

The continuing education requirements under the Act are established by the Hearing Instrument Aid Consumer Protection Board and located in the Illinois Administrative Code at 77 Ill. Adm. Code 3000.

(Source: Amended at 21 Ill. Reg. 4799, effective APR 11 1991.)

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1) Heading of the Part:

Nursing Education Scholarships

2) Code Citation:

77 Ill. Adm. Code 597

3) Section Numbers:

Amendment
597.100
Amendment
597.110
Amendment
597.310

4) Statutory Authority: Implementing and authorized by the Nursing Education Scholarship Law [110 ILCS 975]5) Effective Date of Amendments:

March 29, 1997

6) Does this Rulemaking Contain an Automatic Repeal Date? No7) Does this Rulemaking Contain any Incorporation by Reference? No8) Date Filed in Agency's Principal Office:

March 29, 1997

9) Date Notice of Proposed Rules was Published in the Illinois Register:

20 Ill. Reg. 4917 - March 29, 1996

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking? No11) Difference Between Proposal and Final Version: No changes were made between the proposal and final version.12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? No changes were agreed upon by the Department and the Joint Committee.13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No14) Are there any other Amendments Pending on this Part? No15) Summary and Purpose of Rulemaking: This rulemaking implements Public Act

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89-237 by deleting the eligibility requirement for nursing education scholarships that requires successful completion or expected completion by the end of the academic year of high school or an alternative program and requires applicants to have a high school grade point average or class rank in the upper 1/2 of the applicant's high school class. The rulemaking also specifies that the Department may refer collection matters to the Department of Professional Regulation in addition to the existing options of the Attorney General or a collection agency.

16) Information and Questions Regarding this Adopted Rulemaking Should be Directed to:

Gail M. Devito
Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-6187

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TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER 9: GRANTS TO DENTAL AND MEDICAL STUDENTSPART 597
NURSING EDUCATION SCHOLARSHIPS

SUBPART A: INTRODUCTION

Section 597.10

Definitions

SUBPART B: ELIGIBILITY AND APPLICATION

Section 597.100

Eligibility
Application

SUBPART C: AWARD OF SCHOLARSHIPS

Section 597.200

Scholarship Description
Determination of Financial Need
Selection Criteria for Award of Scholarships

SUBPART D: TERMS OF PERFORMANCE

Section 597.300

Contract
Repayment of Scholarship
Forgiveness of Scholarship

AUTHORITY: Implementing and authorized by the Nursing Education Scholarship Law [110 ILCS 975].

SOURCE: Adopted at 17 Ill. Reg. 13763, effective August 10, 1993; amended at 18 Ill. Reg. 17720, effective November 30, 1994; amended at 21 Ill. Reg.

4828, effective MAR 24 1997.

SUBPART B: ELIGIBILITY AND APPLICATION

Section 597.100 Eligibility

To be eligible to receive a scholarship under this program, an applicant must meet the eligibility criteria outlined in Section 5 of the Law showing:

- That he or she has been a resident of this State for at least one year prior to application, and is a citizen or a lawful permanent resident alien of the United States;

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b) ~~That he or she has successfully completed the program of instruction at an approved high school or an alternative high school degree program or is a student in good standing at such a school and is engaged in a program which will be completed by the end of the academic year and in either event that his or her cumulative grade point average was or is in the upper 1/2 of the high school class or is licensed in Illinois as a practical nurse and~~

~~b) That he or she agrees to serve as a registered professional nurse or licensed practical nurse in Illinois in accordance with Section 6 of the Law (Section 5 of the Law) and~~

~~c) That he or she is enrolled or accepted for admission to an approved practical nursing education program, associate degree nursing education program, hospital-based diploma nursing education program or baccalaureate degree nursing education program.~~

(Source: Amended at 21 Ill. Reg. 4828, effective MAR 24 1997)

Section 597.110 Application

a) Application forms are prescribed by the Department and available at financial aid offices and departments of nursing in approved schools, as well as directly from the Department. Applications submitted must include:

- 1) proof of one year of permanent legal residence, documented by submitting a copy of a federal or State income tax return filed the year prior to application, a copy of a utility bill that includes applicant's name and address from one year prior to the application, or a copy of a current Illinois driver's license or an identification card issued by the Secretary of State;
- 2) proof of applicant's enrollment in the acceptance of admission to an approved practical nursing education program, associate degree nursing education program, hospital-based diploma nursing education program, or baccalaureate degree nursing education program, documented by academic advisor's signature on a form included in the application packet;
- 3) a copy of applicant's Student Aid Report (SAR) which is generated from the needs analysis document used to determine Student Aid Methodology Family Contribution (SMFRC); and
- 4) proof of applicant's upper 1/2 rank in class upon high school graduation, documented by either high school administrative personnel or the financial aid officer at the college/university where enrolled (form included in the application packet); or completion of an alternative high school degree program, recognized by the General Educational Development (GED) test score as the equivalent to ranking in the top 50 percent of the United States high school graduates; or, a copy of the

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- b) applicant's current practical-nurse-licenser-if-applicable
Incomplete applications and those received after application deadline will not be considered for scholarship awards. During the application cycle, all applicants will be notified in writing regarding the status of their applications. Corrections may be made during this time period.

(Source: Amended at 21 Ill. Reg. 4828 effective MAR 2 1997)

SUBPART D: TERMS OF PERFORMANCE

Section 597.310 Repayment of Scholarship

- a) Recipients will be required to monetarily repay scholarship funds under the following circumstances:

- 1) failure to complete studies due to academic failure or voluntary actions; or
 - 2) completion of studies but failure to meet the forgiveness requirement as stated in Section 597.320 of this Part.
- b) Payments must begin 6 months following the date of the occurrence initiating the repayment.

- 1) Payments will include interest of 7% per year on the unpaid balance.
- 2) All repayments must be completed within 6 years from the date of the occurrence initiating the repayment (Section 6 of the law).
- c) Recipients subject to repayment shall enter into a repayment contract with the Department as soon as the status for payment has been established. This contract shall specify the amount due to be repaid, the schedule for repayment, and all other terms of the repayment. Interest charges shall be completely waived if the recipient repays the total scholarship amount prior to the first payment due date.
- d) In the event a scholarship recipient fails to pay monies owed to the Department, the Department shall refer the matter to the Department of Professional Regulation for licensure sanctions, to the Attorney General, or to a collection agency. If the collection agency is unsuccessful—the Department shall refer the matter to the Attorney General. The total 6-year interest shall be due if the recipient fails to fulfill the repayment requirements and the case is settled through authorized agencies outside the Department.

(Source: Amended at 21 Ill. Reg. 4828 effective MAR 2 1997)

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- 1) Heading of the Part: Customer Financial Participation
- 2) Code Citation: 89 Ill. Adm. Code 562
- 3) Section Numbers:
562.10 Adopted Action:
562.20 Amendments
562.30 Amendments
562.40 Amendments
562.60 Amendments
562.70 Repealed
562.80 Repealed
562.90 Amendments
Table A Repealed
- 4) Statutory Authority: Implementing and authorized by Sections 3(a),(b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 (a), (b) and (k)].
- 5) Effective Date of Rule(s) (Amendments, Repealer): April 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule (amendment, repealer) contain incorporations by reference?
No
- 8) Date Filed in Agency's Principal Office: March 27, 1997
- 9) Notice of Proposal Published in Illinois Register: December 2, 1996; 20 Ill. Reg. 15200
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No
- 11) Difference(s) between proposal and final version: Only minor, non-substantive wording changes were made.
- 12) Have all the changes aired upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Rule(s): DORS is totally revising its rules regarding customer financial participation in the cost of VR services. The revisions are being made to make the Standard Budget Allowances and rates of participation more fair and equitable for all individuals seeking services through DORS' VR program. Too, the rules revise requirements

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regarding parental financial participation in the cost of services to match the federal guidelines for student financial assistance.

- 16) Information and questions regarding this adopted rule shall be directed to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896
TTY: (217) 785-9301

The full text of Adopted Rule(s) begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 562

CUSTOMER FINANCIAL PARTICIPATION

Section	
562.10	General Applicability
562.20	Definitions Exclusions--from-Economic-Needs-Test
562.30	Financial Analysis Completion Participation
562.40	Financial Participation Parental--or--Guardian--Participation--in-Competing-the-Financial-Analysis-Form
562.50	Client Emancipation (Repealed)
562.60	Consideration of Settlements from Litigation or Other Sources
562.70	Refusal to Financially Participate (Repealed)
562.80	Timing of Financial Analysis (Repealed)
562.90	Impact of Review of Financial Analysis
562.100	Exclusion for Public Aid Recipients (Repealed)
TABLE A	Determination Table for Client Participation (Repealed)

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3(a), (b), and (k)).

SOURCE: Adopted at 9 Ill. Reg. 8763, effective June 10, 1985; amended at 11 Ill. Reg. 4021, effective February 18, 1987; amended at 11 Ill. Reg. 15223, effective August 31, 1987; amended at 11 Ill. Reg. 19127, effective November 3, 1987; amended at 12 Ill. Reg. 20827, effective November 30, 1988; amended at 11 Ill. Reg. 28466, effective February 17, 1989; amended at 11 Ill. Reg. 28466, effective January 8, 1990; amended at 14 Ill. Reg. 18555, effective December 5, 1990; amended at 15 Ill. Reg. 10179, effective June 24, 1991; amended at 15 Ill. Reg. 18750, effective December 17, 1991; amended at 17 Ill. Reg. 3895, effective March 15, 1993; emergency amendment at 17 Ill. Reg. 11476, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20356, effective November 15, 1993; amended at 19 Ill. Reg. 8803, effective June 20, 1995; amended at 21 Ill. Reg. 4833, effective April 1, 1997.

Section 562.10 General Applicability

Rules contained within this Part are applicable to all Department of Rehabilitation Services' (DORS) Vocational Rehabilitation (VR) customers clients.

(Source: Amended at 21 Ill. Reg. 4833, effective APR 1 1997.)

Section 562.20 Definitions Exclusions--from-Economic-Needs-Test

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For the purposes of this Part, the following terms shall have the following meanings:

- a) CUSTOMER FINANCIAL ANALYSIS (IL 488-0265) [Financial Analysis] - the form developed by DORS to determine customer financial participation.
- b) Customer Financial Participation - the amount of money, as determined by the completion of the Financial Analysis, which a customer and/or the customer's family must contribute to the cost of services and/or amount of any voluntary contributions the customer and/or his/her family wish to contribute to the cost of services.
- c) Dependent - for the purpose of completing the Financial Analysis, a customer shall be considered a dependent of his/her parents, including step-parents and adoptive parents, if he/she is under 24 years of age, unless he/she does not reside in the parent's home and:
 - 1) is or has been married;
 - 2) has served in the United States Armed Forces;
 - 3) has been adjudicated by a court to be emancipated; or
 - 4) has legal dependents other than a spouse.
- d) Family - for the purpose of identifying those individuals who must be taken into consideration in the completion of the Financial Analysis, the individual shall include the customer and all of the following:
 - 1) the customer's spouse;
 - 2) the customer's dependent children, including step-children, if they are dependent upon the customer;
 - 3) parents, including non-custodial parents, if the customer's parents are divorced and the custodial parent is not remarried and step-parents; and
 - 4) the customer's siblings still residing in the same home as the customer and who are still dependent on the customer's parents.
- e) Income - all earned and unearned income from all sources including all types of public support, wages, tips, interest income, dividends from investments, and private sources. The value of readily available assets (i.e., cash-on-hand, checking accounts, savings accounts, certificates of deposit, stocks, bonds, accessible trust funds) shall also be considered as income for the purpose of completion of the Financial Analysis.
- f) Services - those services provided by and through DORS to customers of the Vocational Rehabilitation Program and as described at 89 Ill. Adm. Code 590 - Services.
- g) Standard Budget Allowance (SBA) - the State Median Income Figures established by the Office of Community Programs of the United States Department of Health and Human Services which are published annually in the Federal Register.
- h) Unusual Allowable Expenses - expenses directly related to the customer's disability, such as on-going medical treatment, medication, adaptive equipment, and rehabilitation technology services, which are currently being paid by the customer and/or customer's family which are not paid for through insurance or any other source and/or cost

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associated with another family member attending post-secondary education which are not paid by any other source.

The economic test shall be presumptively met by customers who are recipients of benefits from Aid to Families with Dependent Children (AFDC), General Assistance or food stamps. The economic test shall also be presumptively met by a dependent of a recipient of such benefits. DORS shall require proof that a customer is a recipient or dependent of a recipient of such benefits. A copy of a check award letter or food stamp book or appropriate form from the Illinois Department of Public Aid (IDPA) or General Assistance office shall be attached to the CUSTOMER'S FINANCIAL ANALYSIS (analysis) (IL 488-0265).

(Source: Old Section repealed, new Section added at 21 Ill. Reg.

4836, effective **April 1, 1997**.)

Section 562.30 Financial Analysis Completion Participation

- a) A customer seeking services through DORS and his/her family must complete the Financial Analysis and must participate in the cost of services as indicated by the Financial Analysis. Failure on the part of the customer and/or customer's family to participate in the cost of services as indicated by the Financial Analysis shall result in the denial of services from DORS except for those which are exempt from financial participation and indicated in the Financial Analysis. b) Customer financial participation shall be calculated on all services except the following: if the economic test is met, not been presumptively met by a financial analysis to evaluate the financial ability of the customer or customer's family to share in the purchase of vocational rehabilitation services shall be applied to all Department of Rehabilitation Services (DORS) services as contained in 89 Ill. Adm. Code Chapter IV, Subchapter B, Vocational Rehabilitation (VPR) except the following which may be provided to a customer without regard to financial need as long as he/she meets all eligibility criteria to receive that service:
 - 1) evaluation of rehabilitation potential (however, although VR services other than diagnostic services provided during extended evaluation require application of the financial analysis);
 - 2) counseling, guidance, referral and placement provided by DORS (89 Ill. Adm. Code 590 - Subpart I);
 - 3) interpreter, reader, attendant and note-taker services;
 - 3.4) fees for training (i.e., work adjustment, skills, employment) through any approved community rehabilitation program (89 Ill. Adm. Code 530);
 - 4) the work/student component of the nine month hearing impaired pre-vocational program at Northern Illinois University;
 - 5) services provided through the Secondary Transitional Experience Program (STEP) (89 Ill. Adm. Code - 590 Subpart L);
 - 6) fees for on-the-job training (OJT);

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- 71) job coaching services provided through the supported employment program (69 Ill. Adm. Code 530.130(a)(2)(B));
- 81) instruction provided by rehabilitation instructors and mobility instructors in the area of:
- activities of daily living;
 - communications skills;
 - adjustment counseling;
 - mobility instruction; and
- 91) interpreter, reader, attendant, and note taker services.
- 10) "maintenance" (69 Ill. Adm. Code 530.130(a)(2)(B)) and "other support services" (69 Ill. Adm. Code 530.130(a)(2)(B)) which are in support of an exempt service specified in subsections (a)(1) through (4) above.
- b) When the Analysis indicates that the customer's spouse, parents or guardians of minor children are able to financially participate in the customer's program, their participation is required.
- c) The Analysis is based upon net available income which is the customer's and/or family unit's total income minus total outgo.
- Total income equals earned and unearned income plus any increases or decreases expected by the customer for the 12 months following completion of the Analysis;
 - Total outgo equals the Standard Budget Allowance (SBA) plus within their months following the completion of the Analysis pay for the customer's participation in the program;
 - Net available income determines the dollar amount of customer participation (See Table A);
 - Private monetary awards (e.g., scholarships), contributions and gifts which are unrestricted as to use are not to be included as available income;
- d) For the purposes of completing the Analysis, determining if economic need exists and determining the amount of customer participation, the following definitions/terms are applicable:
- The "Family Unit" refers to the customer's spouse, parents or legal guardians of minor children or other family members residing in the household who are designated as dependents on the customer's spouse's or guardian's latest federal income tax return. Individuals eligible for a double exemption for blindness and/or old age on the federal income tax return shall only be counted as one individual for the purpose of the Analysis;
 - Income is defined as the definition of gross adjusted income as used by the U.S. Internal Revenue Service (26 CFR 1.62-1(a)) (1986) and as documented by the customer's (or customer's family's) most recent federal income tax return. The rule incorporated by reference does not include any inter-arrangements or revisions. A copy of the page from the most recent federal income tax return showing adjusted gross income shall be attached to the Analysis;
 - The SBA is the figure established by BENS to be a reasonable

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- amount to cover all necessary expenses for a family unit of a specific size to maintain a modest standard of living.
- 4) "Usual Allowable Expenses" are:
- Prescription medication to treat a physical/mental condition on an ongoing basis. Only those costs exceeding \$180 per year paid by the customer and not covered by insurance or other sources are allowable;
 - Medically prescribed diets required to treat a physical condition. Only the costs of dietary foods not found in a grocery store are allowable;
 - Costs of disability-related medical supplies and prescribed medical services paid by the customer and not covered by insurance or other sources;
 - Post-secondary education expenses paid by a parent/guardian for another family member if the individual is claimed as a dependent on the latest federal income tax return;
 - Expenses related to the purchase of a van as set forth in 69 Ill. Adm. Code 530.130(b);
 - Modifications (not to exceed \$2,000 per year) to a home if necessary for the individual to live independently and customer develops the Individualized Written Rehabilitation Program (IWRRP) (69 Ill. Adm. Code 532) due to customer's disability or
 - Assistive Technology Services.
- e) Standard Budget Allowance (SBA)
- The SBA is as follows:
- | NUMBER OF
DEDUCTIONS CLAIMED
ON FAFSA-RETURN | 9-AMOUNT-OF
ALLOWANCE |
|--|--------------------------|
| 1 | --12,247 |
| 2 | --16,458 |
| 3 | --20,669 |
| 4 | --24,799 |
| 5 | --28,971 |
| 6 | --33,152 |
| 7 | --37,333 |
| 8 | --41,514 |
- 2) Add \$4,181 for each additional family member beyond eight members.
- (Source: Amended at 21 Ill. Reg. 4838, effective APR 01 1987)

Section 562.40 Financial Participation Parental or Guardian Participation in
Completing the Financial Analysis Form

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- a) The Financial Analysis must be completed prior to the initiation of the IWP (89 Ill. Adm. Code 572) unless the IWP developed for the customer includes only those services exempt from financial participation as listed in Section 562.30(b) of this Part.
- b) The Financial Analysis must be readministered at least annually and at any time there is reason to believe there is a change in the customer's financial situation which will affect customer financial participation.
- c) The Financial Analysis is completed by adding all customer and family earned and unearned income, subtracting the SBA for a family the size of the customer's family, and subtracting Unusual Allowable Expenses. The final product of these calculations shall be multiplied by 40% to determine the amount of required customer financial participation, if any.
- d) The customer and/or his/her family will also be asked, as part of the completion of the Financial Analysis, what, if any, voluntary financial participation they are willing to make towards the cost of the customer's rehabilitation.
- e) Failure on the part of the customer and/or the customer's family to cooperate in the completion of the Financial Analysis or participate in the cost of services, if participation is indicated, shall be reason for DORS to deny all services except those listed in Section 562.30(b) of this Part.
- f) Falsification by the customer and/or the customer's family of information used to complete the Financial Analysis shall be grounds for immediate termination of services through DORS and may result in DORS taking legal action to recover monies previously expended by DORS in providing services to the customer.

if the client is a dependent of his/her parents or guardian, the parents or guardian must complete the Analysis for the client and be responsible for any indicated financial participation. A client is a dependent of parents or guardian if the client:

- a) was declared a dependent on the latest federal income tax return of the parents or guardian regardless of the client's age or place of residence or
- b) is under age 18. However, a client under 18 is not a dependent if the client:
- 1) is established as an independent living pattern (e.g., client does not reside with parent or guardian nor rely on parent or guardian for financial support),
 - 2) has been adjudicated by a court to be an emancipated individual or is married and is living with parent or guardian.

(Source: Old Section repealed, new Section added at 21 Ill. Reg. 483, effective APR 1 1987)

Section 562.60 Consideration of Settlements from Litigation or Other Sources

DEPARTMENT OF REHABILITATION SERVICES

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- a) DORS may, at its discretion, seek reimbursement for previously provided services from a customer when a judgment is issued or a settlement is reached upon which is a direct result of the litigation or other action related to the customer's disability and for which the services provided by DORS were judged or agreed compensable. BERS shall make no attempt to have a client reimburse the agency for services if any settlement from a worker's compensation claims and insurance claims are received by the client. However, BERS will include the proceeds of these settlements as client income in determining financial participation (Section 562.30) for any new or continued services.
- b) The rehabilitation counselor/instructor must inform DORS' Legal Division of any known workers' compensation proceedings or other litigation in which services provided by DORS are a measure of damages. At the time such a settlement is received, a new Analysis must be completed including the settlement amount as income, less any unusual allowable expenses. Client financial participation shall be based on the date of completion on the new Analysis. A change in indicated financial participation requires an amendment to the client's current individual Written Rehabilitation Program (IWRP) (89 Ill. Adm. Code 572).

(Source: Amended at 21 Ill. Reg. 483, effective APR 1 1987)

Section 562.70 Refusal to Financially Participate (Repealed)

if the client or family or guardian when required refuses to provide information necessary to determine financial participation (Section 562.30) or when participation is indicated these individuals refuse to participate or only willing to participate with an amount less than what is appropriate (Section 562.30(b)) the counselor will only develop an IWRP that does not require services conditioned on client need (see 89 Ill. Adm. Code 562.70). If the client refuses to comply with the IWRP, the case will be closed for lack of cooperation.

(Source: Repealed at 21 Ill. Reg. 483, effective APR 1 1987)

Section 562.80 Timing of Financial Analysis (Repealed)

- a) Clients shall be informed of BERS policy regarding client financial participation as contained in this Part at application (89 Ill. Adm. Code 557) and counselors shall complete the Analysis prior to completion of the IWRP and at anytime there is a change or reason to believe there is a change in the client's financial situation or that of the client's family or guardian as appropriate. A change in indicated financial participation requires an amendment to the

DEPARTMENT OF REHABILITATION SERVICES

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client's current INRP.

- b) In all cases the Analysis shall be completed annually to determine changes in the client's required financial participation.

(Source: Repealed at 21 Ill. Reg. 4833, effective APR 1 1980)

Section 562.90 Impact of Review of Financial Analysis

All changes indicated as a result of the completed Financial Analysis shall be effective from the date of the new Financial Analysis regardless of whether an increase or decrease in client financial participation is indicated.

(Source: Amended at 21 Ill. Reg. 4833, effective APR 1 1980)

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Section 562. TABLE A Determination Table for Client Participation (Repealed)

NET AVAILABLE	AMOUNT-OP	CLIENT PARTICIPATION
\$-----99	\$--00-00	
100-199	20-00	
200-299	40-00	
300-399	60-00	
400-499	80-00	
500-599	100-00	
600-699	120-00	
700-799	140-00	
800-899	160-00	
900-999	180-00	
1000-1099	200-00	
1100-1199	220-00	
1200-1299	240-00	
1300-1399	260-00	
1400-1499	280-00	
1500-1599	300-00	
1600-1699	320-00	
1700-1799	340-00	
1800-1899	360-00	
1900-1999	380-00	
2000-2099	400-00	
2100-2199	420-00	
2200-2299	440-00	
2300-2399	460-00	
2400-2499	480-00	
2500-2599	500-00	
2600-2699	520-00	
2700-2799	540-00	
2800-2899	560-00	
2900-2999	580-00	
3000-3099	600-00	
3100-3199	620-00	
3200-3299	640-00	
3300-3399	660-00	
3400-3499	680-00	
3500-3599	700-00	
OVER-3599	720-00	

---1740-00-plus-500
---of-net-over-3599

(Source: Repealed at 21 Ill. Reg. 4833, effective APR 1 1980)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3) Section Numbers: Adopted Action:
1650.2900
New Section
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code (40 ILCS 5/Art. 16); Freedom of Information Act [5 ILCS 14/1], Section 40(a)(2), of the Internal Revenue Code [26 U.S.C. 1045(a)(3)]; Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].
- 5) Effective Date of Rulemaking: March 27, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 23, 1996
- 9) Notice of Proposal Published in Illinois Register: January 3, 1997; 21 Ill. Reg. 362
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: Only grammatical changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: On August 20, 1996, President Clinton signed into law the "Small Business Job Protection Act of 1996" (HR 3448). Included in this Act were extensive amendments to the Internal Revenue Code which affect public employee pension plans throughout the country.

The primary changes affecting the Teachers' Retirement System pertain to Section 415 of the Internal Revenue Code concerning maximum benefit payments from a qualified plan. Prior to passage of the legislation, Section 415(b) limited the maximum benefit payable from a qualified plan to the lesser of 100% of final three year average compensation or \$125,000 for tax year 1997. The \$125,000 level is actuarially reduced for retirement

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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ages below 62.

The provisions of the Small Business Job Protection Act of 1996 amended Section 415 to: (1) repeal the 100% of compensation limit; and (2) authorize the establishment of excess benefit arrangements for governmental plans.

This amendment implements the excess benefit arrangement effective January 1, 1997, and defines the scope of benefits to be paid, the limitation year, the funding arrangement, and the manner in which the assets will be held. Basically, to prevent adverse tax consequences to the assets which are held, all be funded on a pay-as-you-go basis and the assets will be subject to the general creditors of the State. A small cash reserve, which will be held in a separate fund in the State Treasury, will be maintained to pay current benefits.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Carl R. Mowery, General Counsel
Erin E. Smith, Legal Assistant
Address: Teachers' Retirement System
2815 West Washington, P.O. Box 19253
Springfield, Illinois 62794-9253
Telephone: (217)753-0961

The full text of the Adopted Amendment begins on the next page:

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF
THE STATE OF ILLINOIS

PART 1650

THE ADMINISTRATION AND OPERATION OF THE

TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section
1650.10

Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section
1650.110

Membership Records

1650.120

Claims Records (Repealed)

1650.130

Individual Accounts (Repealed)

1650.140

Ledger and Accounts Books (Repealed)

1650.150

Statistics (Repealed)

1650.160

Confidentiality of Records

1650.180

Filing and Payment Requirements

1650.181

Early Retirement Incentive Payment Requirements

1650.182

Waiver of Additional Amounts Due

1650.183

Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section

Claim Applications

1650.210

Reclassification of Disability Claim (Repealed)

1650.220

Medical Examinations and Investigations of Claims

1650.230

Refunds; Impermissible Refunds; Canceled Service; Repayment

1650.240

Death Benefits

1650.250

Evidence of Age

1650.270

Reversionary Annuity - Evidence of Dependency

1650.271

Evidence of Parentage

1650.272

Eligible Child Dependent By Reason of a Physical or
Disability

1650.280

Evidence of Marriage

1650.290

Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section

Effective Date of Membership

1650.310

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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Method of Calculating Service Credits

Method of Calculating Service Credit for Recipients of a Disability
Benefit or Occupational Disability Benefit

1650.320

Duplicate Service Credit

1650.330

Service Credit for Leaves of Absence

1650.340

Service Credit for Involuntary Layoffs

1650.341

Service Credit for Periods Away from Teaching Due to Pregnancy

1650.345

Service Credit for Unused Accumulated Sick Leave Upon Retirement

1650.350

Purchase of Optional Service - Required Minimum Payment

1650.355

Service and Earnings Credit Obtained Pursuant to Labor Contract
Litigation

1650.360

Calculation of Average Salary (Renumbered)

1650.370

Definition of Actuarial Equivalent

1650.380

Independent Contractors

1650.390

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section

Refunds for Duplicate or Noncreditable Service

1650.410

Interest on Deficiencies (Repealed)

1650.420

Installment Payments (Repealed)

1650.430

Small Deficiencies, Credits or Death Benefit Payments

1650.440

Definition of Salary

1650.451

Reporting of Conditional Payments

1650.460

Calculation of Average Salary

1650.470

Rollover Distributions

SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section

Beneficiary (Repealed)

1650.505

Re-entry Into Service

1650.510

Suspension of Benefits

1650.520

Power of Attorney

1650.530

Conservators/Guardians

1650.540

Presumption of Death

1650.550

Benefits Payable on Death

1650.560

Survivors' Benefits

1650.570

Evidence of Eligibility

1650.580

Comptroller Offset

1650.590

SUBPART G: ATTORNEY GENERALS' OPINION

Section

1650.605

Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

SUBPART H: ADMINISTRATIVE REVIEW

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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- 5) "Excess Benefit" shall mean the monthly equivalent of the difference between the Unrestricted Benefit and the Maximum Benefit.
- 6) "Maximum Benefit" shall mean the monthly equivalent of the maximum benefit permitted by Code Section 415 to be paid an annuitant or beneficiary under the Retirement Plan during any limitation year of the Retirement Plan.
- 7) "Member" shall mean a person who is a Member as that term is defined in 40 ICS 5/16-107.
- 8) "Retirement Annuity" shall mean an annuity payable to an annuitant pursuant to 40 ICS 5/16-132 through 16-136.4.
- 9) "Retirement Plan" shall mean the retirement plan administered by the Teachers' Retirement System pursuant to 40 ICS 5/Art. 16.
- 10) "Survivor Benefit Annuity" shall mean an annuity payable from the Retirement Plan to a beneficiary or beneficiaries of a Member or Annuitant as a result of the death of the Member or Annuitant pursuant to 40 ICS 5/16-141 through 16-143.2.
- 11) "System" shall mean the Teachers' Retirement System of the State of Illinois.
- 12) "Unrestricted Benefit" shall mean the maximum monthly Retirement Annuity, Disability Retirement Annuity, or Survivor Benefit Annuity benefit payable under Article 16 of the Illinois Pension Code [40 ICS 5/Art. 16], whichever is applicable, determined without regard to the limitation of the Code imposed under Code Section 415.

9) Excess Benefits.

- 1) An Annuitant who is receiving a Retirement Annuity as provided under the Retirement Plan shall be entitled to receive an Excess Benefit for any month in which the Annuitant receives a Retirement Annuity Benefit Payment.
- 2) An Annuitant who is receiving a Disability Retirement Annuity as provided under the Retirement Plan shall be entitled to receive an Excess Benefit for any month in which the Annuitant receives a Disability Retirement Annuity Benefit Payment.
- 3) Upon the death of a Member or Annuitant whose beneficiary or beneficiaries are eligible for an annuity under the Retirement Plan, the Member's or Annuitant's beneficiary or beneficiaries who are receiving a Survivor Benefit Annuity shall be entitled to receive an Excess Benefit for any month in which the beneficiary or beneficiaries are receiving a Survivor Benefit Annuity.
- 4) Benefit Payment: A benefit payable under this subsection (c) shall be paid at such time or times and in such form to the Annuitant or his or her beneficiary as the benefit under the Retirement Plan would be paid. The Annuitant shall have the right to receive as a portion of his or her first payment hereunder an amount equal to the sum of the Excess Benefits otherwise payable to him or her since January 1, 1995, had this

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

arrangement been in effect as of January 1, 1995.

d) Administration of the Arrangement.

- 1) Administrator: The Arrangement shall be administered by the System, which shall have the authority to interpret the Arrangement and issue such regulations as it deems appropriate. The System shall have the duty and responsibility to maintain records, making the requisite calculations and disbursing the payments hereunder through the Comptroller of the State of Illinois. The System's interpretations, determinations, regulations, and calculations shall be final and binding on all persons and parties concerned.
- 2) Amendment and Termination: The System may amend or terminate the Arrangement at any time, provided, however, that no such amendment or termination shall adversely affect a benefit to which a Member or an Annuitant or his or her beneficiary is entitled under subsection (c) prior to the date of such amendment or termination unless the Member or Annuitant becomes entitled to an amount equal to such benefit under another arrangement, plan or practice adopted by the System.
- 3) Payments: The System will pay all benefits arising under this Arrangement and all costs, charges, and expenses relating thereto through appropriations received from the State of Illinois, except those costs normally borne by other agencies or offices of the State of Illinois.
- 4) Non-assignability of Benefits: The benefits payable hereunder or the right to receive future benefits under the Arrangement may not be anticipated, alienated, pledged, encumbered, or subjected to any charge or legal process.
- 5) Status of Arrangement: Nothing contained herein shall be construed as providing for assets to be held in trust or escrow or another form of asset protection for the benefit of or for any other person or persons to whom beneficiaries to be paid pursuant to the terms of this Arrangement, the Annuitant's only interest hereunder being the right to receive the benefits set forth herein. To the extent the Annuitant or any other person acquires a right to receive benefits under this Arrangement, such right shall be no greater than the right of any unsecured, general creditor of the State of Illinois.
- 6) Applicable Law: All questions pertaining to the construction, validity, and effect of this Arrangement shall be determined in accordance with the laws of the United States and, to the extent not pre-empted by such laws, by the laws of the State of Illinois.
- 7) Forfeiture Provisions: All rights to any benefits payable under this Arrangement, including the payment of any unpaid benefit installments, shall be immediately forfeited if the Member's or Annuitant's right to receive an annuity benefit under the Retirement Plan is terminated in accordance with 40 ICS

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5/16-1992

(Source: Added at 21 Ill. Reg. 4844-7 effective

MAR 27 1997)

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: The Illinois Library System Act
- 2) Code Citation: 23 Ill. Adm. Code 3030
- 3) Section Number: Emergency Action:
3030.90 Amendment
3030.105 Amendment
3030.106 New Section
- 4) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10]
- 5) Effective Date of Amendment: March 26, 1997
- 6) If the Emergency Amendment is to expire before the end of the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date Filed in Agency's Principal Office: March 26, 1997
- 8) Reason for Emergency: Grants will be awarded under Sections 3030.105 and 3030.106 within the next 150 days. The rulemaking process began after P.A. 89-697 was enacted earlier this year.
- 9) A Complete Description of the Subjects and Issues Involved: The amendment clarifies how and when the official population served by a public library is verified for public library per capita and equalization aid grants. P.A. 90-697, signed by the Governor in January 1997, authorizes grant for library renewal and Illinois Veterans' Libraries. The amendment clarifies the criteria for awarding the grants. Clarification is added to criteria for several grant programs, and citations are updated.
- 10) Are There Any Proposed Amendments Pending on This Part? No
- 11) Statement of Statewide Policy Objectives: The amendment specifies criteria for several grant programs and updates citations for accounting/auditing manuals.
- 12) Information and questions regarding this Emergency Amendment shall be directed to:

Ms. Kathleen L. Bloomberg
Associate Director for Administration
Illinois State Library
300 S. Second Street
Springfield, IL 62701-1796
217 785-0052
217 782-8261 FAX

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NOTICE OF EMERGENCY AMENDMENTS

kbloom@library.sos.state.il.us INTERNET

The full text of the Emergency Amendments begins on the next page:

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER 1: SECRETARY OF STATE

PART 3030

THE ILLINOIS LIBRARY SYSTEM ACT

Section	Definitions
3030.10	Forms
3030.15	Administration of the Act: Hearings
3030.20	Establishment of Systems
3030.25	Geographic Boundaries
3030.30	Membership in a Library System
3030.35	Contracting Libraries
3030.40	Accessing Resources and Services (Repealed)
3030.45	Service Standards
3030.50	Service to State Institutions (Repealed)
3030.55	Service to the Physically Disabled (Repealed)
3030.60	Plan of Service for a Cooperative or Multitype Library System
3030.65	Plan of Service for a Public Library System (Repealed)
3030.70	Conversion of a Cooperative Public Library System or a Public Library System to a Multitype Library System
3030.75	Library System to a Multitype Library System
3030.80	Liquidation
3030.85	Merger
3030.90	Finances and Records
3030.95	Governing Board
3030.100	Rules
3030.105	State Grants
3030.106	EMERGENCY
3030.107	EMERGENCY
3030.108	EMERGENCY
3030.109	EMERGENCY
3030.110	Revocation of Approval
3030.115	Suspension of a Library from Membership
3030.120	Adjustment of the Geographic Boundaries of Library Systems
3030.121	Administrative Review of State Librarian's Decision in Contested Cases
3030.122	Notice of Hearing
3030.123	Conduct of Hearing
3030.124	Motions
3030.125	Order of the Hearing
3030.126	Authority of Administrative Law Judge
3030.127	Record of the Hearing
3030.128	Rules of Evidence; Official Notice
3030.129	Decisions and Orders
3030.130	Annual System Reports
3030.135	Withdrawal of Membership

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AUTHORITY: Implementing and authorized by the Illinois Library System Act [75 ILCS 101].

SOURCE: Rules and Regulations for Library Systems and State Aid, November 8, 1965; rules repealed, new rules adopted and codified at 8 Ill. Reg. 16914, effective September 4, 1984; amended at 13 Ill. Reg. 1244, effective January 15, 1989; amended at 14 Ill. Reg. 20066, effective December 1, 1990; amended at 16 Ill. Reg. 10329, effective June 12, 1992; emergency amendment at 17 Ill. Reg. 9725, effective June 11, 1993. For a maximum of 150 days; emergency amendment at 17 Ill. Reg. 12449, effective July 15, 1993; for a maximum of 150 days; amended at 17 Ill. Reg. 22187, effective November 23, 1993; amended at 17 Ill. Reg. 22048, effective December 14, 1993; amended at 18 Ill. Reg. 7452, effective May 3, 1994; expedited correction at 18 Ill. Reg. 13154, effective May 3, 1994; amended at 20 Ill. Reg. 3909, effective February 16, 1996; emergency amendment at 21 Ill. Reg. **4853**, effective March 26, 1997, for a maximum of 150 days.

Section 3030.90 Finances and Records

EMERGENCY

a) The fiscal year for each system shall begin July 1 and end on June 30 of each year.

b) The board of directors of each library system shall:

- 1) Maintain all financial records at the system administrative headquarters.
- 2) Record the system's financial activities in accordance with "Audit of State and Local Governmental Units," American Institute of Certified Public Accountants (AICPA), 1996 1994, and "Statement 2 Grant, Entitlement and Shared Revenue Accounting and Reporting by State and Local Governments," by the National Council on Governmental Accounting (NCGAS), Chicago, Municipal Finance Officers' Association, March 1979, and shall specifically record the actions of the board in regard to bills approved for payment. This incorporation by reference does not include later amendments to or editions of the titles cited.
- 3) Cause an annual audit of the records of the system for the preceding fiscal year and those maintained by the Treasurer to be made by an independent certified public accountant and cause copies thereof to be filed with each participating library and with the State Librarian on or before September 30 following the end of the fiscal year.
- 4) Submit a management letter prepared by the system's auditor as part of the annual audit.
- 5) Account for all funds of the system by expenditure, encumbrance, or reserves on or before June 30th of each year. Encumbrances shall be paid by September 30 of each year.
- 6) Submit by May 1 of each year an estimated budget for the ensuing

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fiscal year according to the requirements cited in Section 3030.105(a)(2) of this Part.

7) Have established, by July 1, 1984, and maintain thereafter, an inventory of all library materials and equipment purchased with system funds. Such inventory shall be attested by the system auditor.

8) Maintain financial records and submit quarterly reports in compliance with the Uniform Accounting and Reporting Manual for the Illinois Library System Headquarters (second edition, April 1995 #498, Office of the Secretary of State, Illinois State Library, Room 505, 300 S. Second Street, Springfield IL 62701-1796). The material incorporated by reference includes no later amendments or editions. Quarterly report documents should be submitted to the State Librarian on November 15, February 15, and May 15 of each year. In lieu of a fourth quarter report, audited financial statements, accompanied by a report on internal accounting control (management letter), are to be submitted following the end of each fiscal year running July 1 to June 30.

(Source: Emergency amendment at 21 Ill. Reg. **4853**, effective March 26, 1997, for a maximum of 150 days)

Section 3030.105 State Grants

EMERGENCY

a) Application for Annual Per Capita and Area Grants to the library systems shall be made to the State Librarian on or before May 1 of each year and shall consist of the following:

- 1) An annually updated plan of service. The plan of service shall clearly indicate how the proposed expenditure of state funds in the ensuing fiscal year will be utilized for the provision of member services within the goals for Illinois Library systems.
- 2) The estimated system budget for the ensuing fiscal year based on current year funding with a contingency plan for anticipated funding for the ensuing year.

b) Library technology grants

- 1) Application for library system grants for the provision of services to member libraries and for technology developments (Section 8(c) of the Act) shall be made according to an annual deadline--and criteria established by the State Librarian. Applicants shall use the forms prepared and made available by the Secretary of State for this purpose. Applications not submitted on-time-or-on-the-required-forms-shall-not-be-considered-by-the-State-Librarian.
- 2) Applications shall be reviewed by the State Library staff and the decision of the State Librarian is final.
- 3) The number of grants to be awarded is at the discretion of the State Librarian within the confines of available funding.

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- 4) Applicants must meet requirements established by the State Library for telecommunications and network services to member libraries toll-free voice-and-data telecommunications.
- c) Application for Annual Grants for special library services to the blind and physically handicapped to no more than six systems providing Administrative and Support Services to libraries and radio information services to physically disabled individuals shall be made to the State Librarian on or before March 15 of each year and shall consist of a budget and a description of services to be offered. Any change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian. Failure to spend funds in accordance with the application or approved amendment shall result in ineligibility for future grants for a period of one year. The State Librarian shall be notified in advance of any proposed change in their budget.
- d) To be eligible for a per capita grant, a public library shall show that it will either meet or show progress toward meeting the Illinois Library Standards, as most recently adopted by the Illinois Library Association, by raising or improving its performance levels in relation to the standards, when such levels are below the standards, according to objectives, time frames, and priorities which the library shall state in its application for a grant, and which it shall also state are consistent with the terms of the plan of service of the system of which it is a member. (Section 8-1(1) of the Act)
- e) Application for annual equalization grants and per capita grants to public libraries shall be made on or before July 15 of each year. Section 8 of the Act. The application deadline shall be extended to the date of the State Librarian's public hearing on the application for grants to Acts of God or natural disasters including but not limited to flooding for libraries located in counties which have been legally declared State and/or federal disaster areas. Those affected libraries may receive the extension by writing to the State Librarian setting forth the basis for said extension request by August 15 of the same calendar year. The State Librarian shall grant the extensions for affected libraries, but in no event shall the deadline be extended beyond September 1. The State Librarian shall verify the eligible service area population of a public library using the latest census of population of Illinois, or a municipality or parts thereof, prepared and submitted to the Index Division by the federal government and certified by the Secretary of State no later than July 15, the filing deadline for grant applications. The applicant library shall submit supporting documentation with the grant application whenever there are any changes to be reported in the population service area.
- f) For a public library to qualify for a per capita grant, it must be a member of a library system and not under suspension. The application shall show that grant funds will be used to meet or make progress in meeting Illinois library standards cited in subsection (d) above. Any

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- change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian. Failure to spend funds in accordance with Section 8.1 of the Act shall result in ineligibility for future grants for a period of one year.
- g) Libraries that qualify for the ILLINOIS MAJOR URBAN LIBRARY PROGRAM shall submit an application to the State Librarian, subject to his final approval, for use of the funds by July 15 of each year. The application shall consist of the public library per capita grant application cited in Section 3030.105(e) of this Part.
- h) Research and reference center funding shall be allocated by the State Librarian for the purposes of making available adequate library resources and services. Grants shall be awarded for statewide resource sharing projects and for improving services of large libraries with special collections which benefit citizens throughout the state. Grants will be awarded at the discretion of the State Librarian each fiscal year as funding allows.
- i) The Research and Reference contracts will specify by inclusion:
- 1) The terms for apportionment of the grant funding, and
 - 2) Services to be performed.
- j) To qualify for an Annual Grant to the Illinois Regional Library for the Blind and Physically Handicapped, the applicant agent shall be jointly designated by the Illinois State Library and the Library of Congress National Library Service for the Blind and Physically Handicapped for such purpose. An annual contract with the State Library shall be executed which specifies the objectives and budget for the service.
- k) School District Library Grant Program
- 1) To be eligible for a School Library Grant, the applicant must be an Illinois school district and a member in good standing of a regional multiple library system or have made application for system membership on or before November 30 and be approved for membership by the following January 15. The applicant must certify that each attendance center included on the application has a school library consistent with the minimum criteria as a school library as set forth in the Act.
 - 2) Application for School Library Per Capita Grants shall be made on or before November 30. Library Per Capita Applications shall be reviewed by the State Library staff and are subject to final approval by the State Librarian. The application deadline may be extended at the discretion of the State Librarian for school districts subjected to Acts of God or natural disasters including but not limited to flooding for school districts located in counties which have been legally declared State and/or federal disaster areas. Those affected districts may receive the extension by writing to the State Librarian setting forth the basis for the extension request by December 31. The State Librarian shall grant the extensions for affected school districts, but in no event shall the deadline be extended beyond

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

January 15.

- 3) The applicant shall show that grant funds will be used to support the services of the district's school library media program. The grant may not be used for the construction of a new library. Any change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian. Failure to spend funds in accordance with Section 8.4 of the Act shall result in ineligibility for future grants for a period of one year.
- 4) Pursuant to Section 8.4 of the Illinois Library System Act (1911 Rev. Stat. 1997, ch. 119, par. 119.4) (75 ILCS 10/8-4) there is established by these rules the application procedures for school district library grants.
- 5) The application for annual school grants shall be made between October 1 and prior to December 1 of each year starting in 1999. It shall be signed by the superintendent of schools for the school district. It shall be submitted to the Illinois State Library. It shall consist of:
- A description and verification of the school board's review as effected in the minutes of a school board meeting of the school library standards as provided for in 75 ILCS 10/8-4(4);
 - A report on the use of the previous year's grant, if a grant was received, which shall show how and grant was used, and an evaluation detailing the effect of the program in overall district wide school library media program improvement and progress towards or compliance with school library media standards;
 - A statement on the proposed use of the grant for which application is being made which shall show how grant funds will be used to further the purposes in the Act. The grants may not be used for construction of a new library.
- 6) The following specific information:
- The official name and complete address of the school district;
 - The name of the library system of which the district is a member or to which it has applied for membership;
 - The name or names and type of attendance unit in which the library or libraries are located;
 - The number of students served by the library or libraries;
 - The name of the librarian;
 - The number of hours per week the library is open;
 - The number of hours per week the librarian is available in the library as the librarian and percentage such hours are of the librarian's total hours worked;
 - The dates of the library's fiscal year; the Illinois

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- legislative districts in the library's taxing area; and
- ix) the library's Federal Employers Identification Number (FEIN)?
- 2) A statement from the superintendent certifying that the financial support for the library meets the requirements as stated in the Act;
- 3) Evidence that the fiscal year's grant funds if received were encumbered prior to June 30 of that fiscal year and expended prior to September 1 of the calendar year in which the fiscal ended;
- 4) Certification by the director of the library system that the school district is a member of the library system; if the school district is not a member of the library system, the system shall provide a statement that the district has applied for system membership; and
- 5) Subsequent to approval of an application by the Illinois State Library, the Illinois State Board of Education will acknowledge receipt of evidence that the requirements of Section 8.4(4) and 9.4(5) of the Act have been met.
- 6) Upon receipt of the application and review of it by the Illinois State Library staff, it will be approved for funding within 90 days after submission of the application if the criteria are met, as set forth in this Section and Section 8.4 of the Illinois Library System Act, and the application was completed fully and with accurate information.
- 7) Library Grants for Veterans' Homes
- Pursuant to Section 8.6 of the Illinois Library System Act (75 ILCS 10/8.6), there is established by this subsection (1) the application procedures for Veterans' Home Library Grants.
 - The application for annual grants to State-funded Veterans' Homes must be made according to a deadline established by the State Librarian. The application shall be signed by the administrator and librarian or person responsible for library services at the Veterans' Home.
 - The applications will be evaluated by Illinois State Library staff, and final funding decisions will be made by the State Librarian.
 - Applications will be funded according to amount of funding available, demonstrated need, and number of residents being served.
 - In order for an application to be considered, the Veterans' Home must be providing library services to its residents at the time of application.
 - Any change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian. Failure to spend funds as approved shall result in ineligibility for future grants for a period of one year.

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2) The application shall consist of:

- A) A statement on the proposed use of the grant for which application is being made which shall show how grant funds will be used to expand library services to residents of the Veterans' Home. Grant funds are eligible to be used for library staff, materials, equipment, and library services.
- B) A report on the use of the previous year's grant, if a grant was received, which shall show how said grant was used; and an evaluation detailing the impact of the program.

C) A certification stating that:

- i) the grant funds will be kept in a separate account;
- ii) local funding for library service will not diminish as a result of the program;
- iii) the library will submit semi-annual financial and programmatic reports to the Illinois State Library on January 31 and July 31 of each year covering the use of the funds.

(Source: Emergency amendment at 21 Ill. Reg. 4853, effective March 26, 1997, for a maximum of 150 days)

3030.106 Educate & Automate Automation/Technology Grants
EMERGENCY

a) Competitive grants

- 1) Application for *purchases of equipment and services that support library development and technological advancement in libraries* shall be made according to an annual deadline and criteria established by the State Librarian. Applicants shall use the forms prepared and made available by the Secretary of State for this purpose. Applications not submitted on time or on the required forms shall not be considered by the State Librarian. Applications shall be reviewed by the State Library staff and the decision of the State Librarian is final.
- 2) The number of grants to be awarded is at the discretion of the State Librarian.
- 3) Applicants must meet requirements designated by the State Library for public access to electronic information and technology.
- 4) Direct expenditures by State Librarian may be made to *support library development and technological advancement in libraries*.
- 5) Funding awarded under subsections (a) and (b) of this Section may be used for, and on behalf of, the following purposes:
- 1) Telecommunications costs for electronic networks for ILLINET libraries and library systems;
 - 2) Computer hardware and software for ILLINET libraries and library systems;
 - 3) Access to electronic information by the general public through ILLINET libraries;

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- 4) Convert *special collections and rare materials in ILLINET libraries into digital format making them accessible by computer to students, researchers and the general public.*

(Source: Emergency added at 21 Ill. Reg. 4853, effective March 26, 1997, for a maximum of 150 days)

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Universities Retirement

2) Code Citation: 80 Ill. Adm. Code 1600

3) Section Number: Emergency Action:
1600.90 New Section

4) Statutory Authority: 40 ILCS 5/1-116

5) Effective Date of Rule: March 26, 1997

6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date Filed in Agency's Principal Office? March 21, 1997

8) Reason for Emergency: Compliance with Section 415 of the Internal Revenue Code.

9) A. Complete Description of the Subjects and Issues Involved: This Section will provide benefits for certain State Universities Retirement System (SURS) participants who participate in SURS in excess of the limitations on benefits imposed by Section 415 of the Internal Revenue Code on plans to which that section applies.

10) Are there any proposed amendments to this Part pending? No

11) Statement of Statewide Policy Objectives: N/A

12) Information and questions regarding this rule shall be directed to:

Judith A. Parker
Deputy Director
State Universities Retirement System
P.O. Box 2710
Champaign, IL 61825-2710
(217) 378-8800

The full text of the emergency rule begins on the next page:

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF EMERGENCY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEM

PART 1600

UNIVERSITIES RETIREMENT

Section

1600.10

Dependency of Beneficiaries

1600.20

Crediting Interest on Employee Contributions and Other Reserves

1600.30

Election to Make Contributions Covering Leave of Absence at Less Than

1600.40

50% Pay

1600.50

Election to Pay Contributions Based Upon Employment Which Preceded

Certification as a Participant

1600.70

Procedures to be followed in Medical Evaluation of Disability Claims

1600.80

Rules of Practice-Nature and Requirements of Formal Hearings

1600.90

Excess Benefit Arrangement

APPENDIX A

Chart Outlining Hearing Procedures

AUTHORITY: Implementing and authorized by Section 1-116 of the Illinois

Pension Code [40 ILCS 5/1-116].

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective

July 30, 1978; amended at 7 Ill. Reg. 13, p.156, effective June 29, 1980; modified

8 Ill. Reg. 13, p.156, effective June 29, 1980; modified

1987, amended at 11 Ill. Reg. 13, p.156, effective September 9,

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STATE UNIVERSITIES RETIREMENT SYSTEM

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governmental excess benefit arrangement pursuant to the provisions of Internal Revenue Code section 415(m).

Accordingly, SURS hereby adopts the Arrangement pursuant to the terms and provisions set forth below:

1) Definitions.

Wherever used herein, the following terms shall have the meanings hereinafter set forth:

A) "Board" means the Board of Trustees of SURS.

B) "Code" means the Internal Revenue Code of 1986, as amended from time to time, and any regulations relating thereto.

C) "Employer" means an employer as defined at Section 15-106 of the Illinois Pension Code.

D) "Retirement Date" means the beginning date of the annuity payment period set forth in Section 15-135 of the Illinois Pension Code.

E) "Participant" means a person as defined at Section 15-108 of the Illinois Pension Code.

F) "Arrangement" means the Excess Benefit Arrangement of the State Universities Retirement System of Illinois.

G) "Qualified Plan" means the SURS Plan at Article 15 of the Illinois Pension Code.

H) "Qualified Plan Retirement Benefit" means the aggregate benefit payable to a Participant pursuant to the Qualified Plan.

I) "Qualified Plan Surviving Spouse Benefit" means the aggregate benefit payable to the Qualified Plan Surviving Spouse of a Participant pursuant to the Qualified Plan.

J) "Supplemental Retirement Benefit" means the benefit payable to a Participant pursuant to the Arrangement by reason of his termination of employment with any Employer for any reason other than death.

K) "Surviving Spouse" means a person as defined at Section 15-127 of the Illinois Pension Code.

L) "Supplemental Surviving Spouse Benefit" means the benefit payable to a Surviving Spouse pursuant to the Arrangement.

M) "Limitation Year" means that period for which all calculations and determinations of benefits and contribution limits will be made under IRC Section 415 and this Arrangement. The "Limitation Year" shall be the calendar year.

N) Words in the masculine gender shall include the feminine and the singular shall include the plural, and vice versa, unless qualified by the context. Any headings used herein are included for ease of reference only, and are not to be construed so as to alter the terms hereof.

2) Eligibility.

A Participant who is eligible to receive a Qualified Plan Retirement Benefit, the amount of which is reduced by reason of

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF EMERGENCY AMENDMENTS

the application of the limitations on benefits imposed by application of Section 415 of the Code, as in effect on the date for commencement of the Qualified Plan Retirement Benefit, or as in effect at any time thereafter, to the Qualified Plan shall be eligible to receive a Supplemental Retirement Benefit. The Surviving Spouse of a Participant described in the preceding sentence shall be eligible to receive a Supplemental Surviving Spouse Benefit.

3) Supplemental Retirement Benefit.

A) Amount. The Supplemental Retirement Benefit payable to an eligible Participant shall be a monthly amount equal to the difference between subsections (d)(3)(A)(i) and (ii) below.

i) The monthly amount of the Qualified Plan Retirement Benefit to which the Participant would have been entitled under the Qualified Plan if such benefit were computed without giving effect to the limitations on benefits imposed by application of Section 415 of the Code to plans to which that section applies; LESS

ii) The monthly amount of the Qualified Plan Retirement Benefit actually payable to the Participant under the Qualified Plan.

The amounts described in subsections (d)(3)(A)(i) and (ii) shall be computed annually, based upon a calendar year limitation year.

B) Forfeiture. The Supplemental Retirement Benefit payable to the Participant shall be paid in the same form and under which the Qualified Plan Retirement Benefit is payable to the Participant. The Participant's election under the Qualified Retirement Benefit with the valid consent of his Surviving Spouse where required under the Qualified Plan shall also be applicable to the payment of his Supplemental Retirement Benefit.

C) Commencement of Benefit. Payment of the Supplemental Retirement Benefit to a Participant shall commence on the same date as payment of the Qualified Plan Retirement Benefit to the Participant commences. Any election under the Qualified Plan made by the Participant with respect to the commencement of payment of his Qualified Plan Retirement Benefit shall also be applicable with respect to the commencement of payment of his Supplemental Retirement Benefit.

4) Supplemental Surviving Spouse Benefit.

A) Amount. If a Participant dies under circumstances in which a Qualified Plan Surviving Spouse Benefit is payable to his Surviving Spouse, then a Supplemental Surviving Spouse Benefit is payable to his Surviving Spouse as hereinafter provided. The monthly amount of the Supplemental Surviving Spouse Benefit payable to a Surviving Spouse shall be equal

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF EMERGENCY AMENDMENTS

to the difference between subsections (d)(4)(A)(i) and (iii) below.

1) The monthly amount of the Qualified Plan Surviving Spouse Benefit to which the Surviving Spouse would have been entitled under the Qualified Plan if such Benefit were computed without giving effect to the limitations on benefits imposed by application of Section 415 of the Code to plans to which that section applies; JESS

ii) The monthly amount of the Qualified Plan Surviving Spouse Benefit actually payable to the Surviving Spouse under the Qualified Plan.

B) Form and Commencement of Benefit. A Supplemental Surviving Spouse Benefit shall commence and be payable in the same manner as the Qualified Plan Surviving Spouse Benefit is paid.

5) Administration of the Arrangement.

A) Administration by SURS. SURS shall be responsible for the general operation and administration of the Arrangement and for carrying out the provisions thereof. SURS shall have the authority to interpret this Arrangement and to issue such policies with respect to this Arrangement as it deems appropriate. SURS shall have the duty and responsibility to maintain records and to make calculations and determinations of benefits hereunder. SURS regulations, interpretations, determinations, and calculations shall be final and binding upon all persons and parties concerned.

B) General Powers of Administration. All provisions set forth in the Qualified Plan with respect to the administrative powers and duties of SURS, expenses of administration, and procedures for filing claims shall also be applicable with respect to the Arrangement, including, but not limited to, the provisions of Sections 13-185, 13-186, 13-187, 13-190, and 13-191. SURS shall be entitled to rely conclusively upon all tables, valuations, certificates, opinions, and reports furnished by any actuary, accountant, controller, counsel, or other person employed or engaged by SURS with respect to the Arrangement.

6) Amendment or Termination.

A) Amendment or Termination. SURS reserves the right to amend or terminate the Arrangement when, in the sole opinion of SURS, such amendment or termination is advisable. Any such amendment or termination shall be made pursuant to a resolution of the Board and shall be effective as of the date set forth in such resolution.

B) Effect of Amendment or Termination. No amendment or termination of the Arrangement shall directly or indirectly deprive any current or former Participant or Surviving

STATE UNIVERSITIES RETIREMENT SYSTEM

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Spouse of all or any portion of any Supplemental Retirement Benefit or Supplemental Surviving Spouse Benefit payment that has commenced prior to the effective date of such amendment or termination or which would be payable if the Participant terminated employment for any reason, including death, on such effective date.

7) General Provisions.

A) Funding. The Arrangement at all times shall be entirely unfunded and no provision shall at any time be made with respect to segregating any assets of SURS of the State of Illinois, or of any Employer for payment of any benefits hereunder. No Participant, Surviving Spouse, or any other person shall have any interest in any assets of SURS, the State, or of any Employer by reason of the right to receive a benefit under the Arrangement.

B) General Conditions. Except as otherwise expressly provided herein, all terms and conditions of the Qualified Plan applicable to a Qualified Plan Retirement Benefit or a Qualified Plan Surviving Spouse Benefit shall also be applicable to a Supplemental Retirement Benefit or a Supplemental Surviving Spouse Benefit payable hereunder. Any Qualified Plan Retirement Benefit or Qualified Plan Surviving Spouse Benefit, or any other benefit payable under the Qualified Plan, shall be paid solely in accordance with the terms and conditions of the Qualified Plan and nothing in this Arrangement shall operate or be construed in any way to modify, amend or affect the terms and provisions of the Qualified Plan.

C) No Guaranty of Benefits. Nothing contained in the Arrangement shall constitute a guaranty by SURS, the State, any Employer, or any other entity or person that the assets of any such entity will be sufficient to pay any benefit hereunder.

D) No Surrender of Employee Rights. No Participant or Surviving Spouse shall have any right to a benefit under the Arrangement except in accordance with the terms of the Arrangement. Establishment of the Arrangement shall not be construed to give any Participant the right to be retained in the service of any Employer.

E) Applicability of Law. The Arrangement shall be construed and administered under the laws of the State of Illinois.

(Source: Emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days)

HEALTH FACILITIES PLANNING BOARD

HEALTH FACILITIES PLANNING BOARD

NOTICE OF CORRECTION TO PROPOSED RULES

NOTICE OF CORRECTION TO PROPOSED RULES

1) Heading of the Part for which proposed rulemaking is being
 corrected: Health Facilities Planning Financial and Economic Feasibility
 Review

TITLE 77: PUBLIC HEALTH
 CHAPTER II: HEALTH FACILITIES PLANNING BOARD
 SUBCHAPTER b: OTHER BOARD RULES

2) Code Citation: 77 Ill. Adm. Code 1120

PART 1120

3) Illinois Register citation to Notice of Proposed Amendment: 21 Ill. Reg.
 3544; March 21, 1997

HEALTH FACILITIES PLANNING FINANCIAL AND ECONOMIC FEASIBILITY REVIEW
 SUBPART A: STATUTORY AUTHORITY, DEFINITIONS, APPLICABILITY AND REVIEW
 REQUIREMENTS

4) Sections being Corrected: 1120.110

5) Correction(s) being made: As originally published in the *Illinois Register*, Section 1120.110(b)(3) contains information about an applicant's construction or project completion schedule, but language at the end of the subsection was inadvertently omitted when published. The corrected text can be found on the following pages.

Section
 1120.110 Statutory Authority and Definitions
 1120.120 Applicability and Review Requirements
 1120.130

SUBPART B: INFORMATION REQUIREMENTS

Section
 1120.110 Project and Related Cost Data
 1120.120 Information Requirements for Financial Feasibility
 1120.130 Information Requirements for Economic Feasibility

SUBPART C: FINANCIAL FEASIBILITY REVIEW CRITERIA

Section
 1120.210 Financial Feasibility Review Criteria

SUBPART D: ECONOMIC FEASIBILITY REVIEW CRITERIA

Section
 1120.310 Economic Feasibility Review Criteria

APPENDIX A Financial and Economic Review Standards

AUTHORITY: Implementing and authorized by the Illinois Health Facilities
 Planning Act [20 ILCS 3960].

SOURCE: Emergency amendments at 16 Ill. Reg. 13132, effective August 4, 1992,
 for a maximum of 150 days; emergency expired on January 1, 1993; adopted at 17
 Ill. Reg. 4431, effective March 22, 1993; recodified at 20 Ill. Reg. 2596,
 effective January 26, 1996; amended at 21 Ill. Reg. _____, effective
 _____.

SUBPART A: STATUTORY AUTHORITY, DEFINITIONS, APPLICABILITY AND REVIEW
 REQUIREMENTS

SUBPART B: INFORMATION REQUIREMENTS

Section 1120.110 Project and Related Cost Data

HEALTH FACILITIES PLANNING BOARD

NOTICE OF CORRECTION TO PROPOSED RULES

a) Estimated Total Project Cost

The applicant shall provide project cost information for each of the following components as is applicable. When a project or any component of a project is to be accomplished by lease, donation, gift or any other means, the fair market value or dollar value which would have been required for purchase, construction, or acquisition shall be included in the estimated total project cost. The applicant shall submit documentation as to the fair market or dollar value in accordance with the requirements of 77 Ill. Adm. Code 1190.40.

- 1) Preliminary costs--includes costs incurred prior to the submission of an application, such as development and feasibility studies, market studies, legal fees, bid solicitation, etc.;
- 2) Site survey and soil investigation fees--includes costs for surrounding surveying of a proposed project site and resulting soil investigation fees;
- 3) Site preparation including--demolition--of--existing structure--includes costs of rental equipment for earthwork, concrete lifting and hoisting, site drainage, utilities, demolition of existing structures, clearing, grading and settling;
- 4) Off-site work--includes costs of drainage, dikes, utilities, sewage, roads, and walks;
- 5) Construction and modernization contracts including--fixed equipment--includes expenses covered under the construction contract--including major medical and other fixed equipment, contractor's overhead and profit;
- 6) Contingencies--means an allowance for unforeseeable events relating to construction or modernization;
- 7) Architectural & engineering fees--includes fees associated with the development and implementation of drawings and design materials for a proposed project;
- 8) Consulting and other fees--includes charges for the services of various types of consulting and professional expertise, including environmental impact, acoustical studies, computer software fees, etc.;
- 9) Movable capital equipment not in construction contracts--includes the cost of all movable capital equipment, including any movable major medical equipment and the cost of installation of the equipment, excluding any trade-in allowances on existing equipment;
- 10) Bond issuance expense--includes all costs associated with the issuance of bonds to finance a project, including issuer's fees, bond counsel's fees, official statements (feasibility study), official statement printing, printing of bonds, survey of the collateral site, title insurance to property, auditor's fees, trustee fees, underwriters' discount, and government fees (if applicable);
- 11) Net interest expense during construction--means the difference

HEALTH FACILITIES PLANNING BOARD

NOTICE OF CORRECTION TO PROPOSED RULES

between interest earned on funds for construction and interest expense on the amount of borrowed funds;

- 12) Other costs which are to be capitalized--includes miscellaneous fees and working capital expenses related to the project; and
- 13) Acquisition of buildings or other property--includes the cost incurred for the acquisition of buildings or other property for the project.

b) Related Cost Data

- 1) Land Acquisition Cost
The applicant shall provide the purchase price or fair market value, whichever is applicable, for the acquisition of land that is required in order to undertake the project. Acquisition of land is not a capital expenditure and is not included as part of project costs.
- 2) Operating Start-up Costs
The applicant shall provide a schedule of estimated non-capitalized operating start-up costs and an estimate of initial operating deficit.
- 3) AGENCY NOTE: Any capitalized costs which are related to the start-up costs of a facility must be included in the total estimated project cost.
Construction and Modernization Costs and Schedule
The applicant shall provide construction-and-modernization-costs on-the-basis-of-cost-per-square-foot--and a construction or project completion schedule which details the anticipated dates and percent of project construction or modernization completion at the 25th, 50th, 75th, 95th and 100th percentile of project funds expended, shows-dollar-expenditures-by-month--and-year through-project-completion.
- 4) Debt Service Reserve Fund
Applicants shall provide the amount that will be placed in a debt service reserve fund and shall also provide the terms and conditions of uses of the fund.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
APRIL 15, 1997

NOTICES: Due to register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

RULEMAKINGS SCHEDULED FOR JCRR REVIEW

The following rulemakings are scheduled for review at this meeting. JCRR staff may be proposing action with respect to some of these rulemakings. JCRR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCRR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSAgriculture

1. Illinois State Fair, and Duquoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds (8 Ill. Adm. Code 270)
-First Notice Published: 21 Ill. Reg. 1119 - 1/24/97
-Expiration of Second Notice Period: 4/26/97
2. Grain Code (8 Ill. Adm. Code 281)
-First Notice Published: 21 Ill. Reg. 1114 - 1/24/97
-Expiration of Second Notice Period: 4/26/97

Banks and Real Estate

3. Real Estate Appraiser Certification (68 Ill. Adm. Code 1455)
-First Notice Published: 21 Ill. Reg. 793 - 1/17/97
-Expiration of Second Notice Period: 4/20/97

Capitol Development Board

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
APRIL 15, 1997

4. Repeal of Illinois Accessibility Code (71 Ill. Adm. Code 400)
-First Notice Published: 21 Ill. Reg. 1 - 1/3/97
-Expiration of Second Notice Period: 5/19/97
5. Illinois Accessibility Code (71 Ill. Adm. Code 400)
-First Notice Published: 21 Ill. Reg. 45 - 1/3/97
-Expiration of Second Notice Period: 5/19/97
Central Management Services
Pay Plan (80 Ill. Adm. Code 310)
-First Notice Published: 21 Ill. Reg. 732 - 1/17/97
-Expiration of Second Notice Period: 5/2/97
Children and Family Services
Services Delivered by the Department (89 Ill. Adm. Code 302)
-First Notice Published: 21 Ill. Reg. 745 - 1/17/97
-Expiration of Second Notice Period: 5/7/97
Client Service Planning (89 Ill. Adm. Code 305)
-First Notice Published: 21 Ill. Reg. 734 - 1/17/97
-Expiration of Second Notice Period: 5/7/97
Commerce and Community Affairs
State Mandates Program (53 Ill. Adm. Code 200)
-First Notice Published: 20 Ill. Reg. 15839 - 12/20/96
-Expiration of Second Notice Period: 5/9/97
Industrial Training Program (56 Ill. Adm. Code 2650)
-First Notice Published: 21 Ill. Reg. 747 - 1/17/97
-Expiration of Second Notice Period: 5/9/97
Corrections
School District #428 (20 Ill. Reg. 405)
-First Notice Published: 21 Ill. Reg. 518 - 1/10/97
-Expiration of Second Notice Period: 4/23/97
Health Care (20 Ill. Adm. Code 415)
-First Notice Published: 21 Ill. Reg. 516 - 1/10/97
-Expiration of Second Notice Period: 4/23/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M..
APRIL 15, 1997

Insurance

13. Prior Notification of Dividends on Common Stock and Other Distributions (50 Ill Adm Code 855)
-First Notice Published: 20 Ill Reg 14362 - 11/8/96
-Expiration of Second Notice Period: 4/18/97

Liquor Control Commission

14. The Illinois Liquor Control Commission (11 Ill Adm Code 100)
-First Notice Published: 21 Ill Reg 1355 - 1/31/97
-Expiration of Second Notice Period: 4/30/97

Mental Health and Developmental Disabilities

15. Minimum Standards for Licensure of Community Residential Alternatives (59 Ill Adm Code 113)
-First Notice Published: 20 Ill Reg 16025 - 12/27/96
-Expiration of Second Notice Period: 5/7/97

16. Standards and Licensure Requirements for Community-Integrated Living Arrangements (59 Ill Adm Code 115)
-First Notice Published: 20 Ill Reg 16045 - 12/27/96
-Expiration of Second Notice Period: 5/7/97

17. Minimum Standards for Certification of Developmental Training Programs (59 Ill Adm Code 119)
-First Notice Published: 20 Ill Reg 16016 - 12/27/96
-Expiration of Second Notice Period: 5/7/97

Natural Resources

18. White-tailed Deer Hunting by Use of Bow and Arrow (17 Ill Adm Code 670)
-First Notice Published: 21 Ill Reg 520 - 1/10/97
-Expiration of Second Notice Period: 4/25/97
19. White-Tailed Deer Hunting by Use of Firearms (17 Ill Adm Code 650)
-First Notice Published: 21 Ill Reg 531 - 1/10/97
-Expiration of Second Notice Period: 4/25/97
20. White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles (17 Ill Adm Code 660)
-First Notice Published: 21 Ill Reg 542 - 1/10/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M..
APRIL 15, 1997

-Expiration of Second Notice Period: 4/25/97

Pollution Control Board

21. Introduction (35 Ill Adm Code 601)
-First Notice Published: 20 Ill Reg 15899 - 12/20/96
-Expiration of Second Notice Period: 5/4/97

22. Permits (35 Ill Adm Code 602)
-First Notice Published: 20 Ill Reg 15948 - 12/20/96
-Expiration of Second Notice Period: 5/4/97

23. Ownership and Responsible Personnel (35 Ill Adm Code 603)
-First Notice Published: 20 Ill Reg 15943 - 12/20/96
-Expiration of Second Notice Period: 5/4/97

24. Operation and Record Keeping (35 Ill Adm Code 607)
-First Notice Published: 20 Ill Reg 15937 - 12/20/96
-Expiration of Second Notice Period: 5/4/97

25. Existing Activities in a Setback Zone or Regulated Recharge Area (35 Ill Adm Code 615)
-First Notice Published: 20 Ill Reg 15863 - 12/20/96
-Expiration of Second Notice Period: 5/4/97

26. New Activities in a Setback Zone or Regulated Recharge Area (35 Ill Adm Code 616)
-First Notice Published: 20 Ill Reg 16132 - 12/27/96
-Expiration of Second Notice Period: 5/4/97

27. Regulated Recharge Areas (35 Ill Adm Code 617)
-First Notice Published: 20 Ill Reg 15956 - 12/20/96
-Expiration of Second Notice Period: 5/4/97

28. Groundwater Quality (35 Ill Adm Code 620)
-First Notice Published: 20 Ill Reg 15879 - 12/20/96
-Expiration of Second Notice Period: 5/4/97

29. Livestock Waste Regulations (35 Ill Adm Code 506)
-First Notice Published: 20 Ill Reg 15906 - 12/20/96
-Expiration of Second Notice Period: 5/4/97

30. Toxic Air Contaminants (35 Ill Adm Code 232)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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SPRINGFIELD, ILLINOIS

9:00 A.M.

APRIL 15, 1997

- First Notice Published: 20 Ill Reg 11440 - 8/23/96
-Expiration of Second Notice Period: 5/9/97

Professional Regulation

31. Illinois Architecture Practice Act of 1989 (68 Ill Adm Code 1150)
-First Notice Published: 20 Ill Reg 14978 - 11/22/96
-Expiration of Second Notice Period: 5/9/97

Public Aid

32. Medical Assistance Programs (89 Ill Adm Code 120)
-First Notice Published: 20 Ill Reg 11472 - 8/23/96
-Expiration of Second Notice Period: 5/18/97

Racing Board

33. Public Information (11 Ill Adm Code 200)
-First Notice Published: 21 Ill Reg 862 - 1/17/97
-Expiration of Second Notice Period: 4/17/97

34. Rulemaking (11 Ill Adm Code 201)
-First Notice Published: 21 Ill Reg 878 - 1/17/97
-Expiration of Second Notice Period: 4/17/97

35. Discipline Rules (11 Ill Adm Code 211)
-First Notice Published: 21 Ill Reg 835 - 1/17/97
-Expiration of Second Notice Period: 4/17/97

36. Prohibited Conduct (11 Ill Adm Code 212)
-First Notice Published: 21 Ill Reg 855 - 1/17/97
-Expiration of Second Notice Period: 4/17/97

37. Race Track Improvement Fund (11 Ill Adm Code 404)
-First Notice Published: 21 Ill Reg 874 - 1/17/97
-Expiration of Second Notice Period: 4/17/97

38. Repeal of Prohibited Conduct (11 Ill Adm Code 423)
-First Notice Published: 21 Ill Reg 852 - 1/17/97
-Expiration of Second Notice Period: 4/17/97

39. Repeal of Forbidden Conduct (11 Ill Adm Code 1320)
-First Notice Published: 21 Ill Reg 841 - 1/17/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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SPRINGFIELD, ILLINOIS

9:00 A.M.

APRIL 15, 1997

- Expiration of Second Notice Period: 4/17/97

40. Repeal of Corrupt Practices (11 Ill Adm Code 1422)
-First Notice Published: 21 Ill Reg 829 - 1/17/97
-Expiration of Second Notice Period: 4/17/97

41. Repeal of Horse Health Rules (11 Ill Adm Code 1431)
-First Notice Published: 21 Ill Reg 847 - 1/17/97
-Expiration of Second Notice Period: 4/17/97

42. Repeal of Public Information, Rulemaking and Organization (2 Ill Adm Code 2250)
-First Notice Published: 21 Ill Reg 867 - 1/17/97
-Expiration of Second Notice Period: 4/17/97

43. Repeal of Access to Information of the Illinois Racing Board (2 Ill Adm Code 2751)
-First Notice Published: 21 Ill Reg 820 - 1/17/97
-Expiration of Second Notice Period: 4/17/97

Secretary of State

44. Department of Personnel (80 Ill Adm Code 420)
-First Notice Published: 21 Ill Reg 1579 - 2/7/97
-Expiration of Second Notice Period: 5/9/97

State Universities Retirement System

45. University Retirement (80 Ill Adm Code 1600)
-First Notice Published: 20 Ill Reg 12761 - 9/27/96
-Expiration of Second Notice Period: 5/7/97

EMERGENCY AND PREEMPTORY RULEMAKINGSChildren and Family Services

46. Authorized Child Care Payments (89 Ill Adm Code 359) (Emergency)
-Notice Published: 21 Ill Reg 3259 - 3/14/97

47. Services Delivered by the Department (89 Ill Adm Code 302) (Emergency)
-Notice Published: 21 Ill Reg 3265 - 3/14/97

Commerce Commission

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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APRIL 15, 1997

48. Confidential Contracts (83 Ill Adm Code 315) (Emergency)
-First Notice Published: 21 Ill Reg 4008 - 3/28/97

Health Care Cost Containment Council

49. Data Collection (77 Ill Adm Code 2510) (Emergency)
-Notice Published: 21 Ill Reg 3277 - 3/14/97

50. Hospital Price Information (77 Ill Adm Code 2530) (Emergency)
-Notice Published: 21 Ill Reg 3318 - 3/14/97

Housing Development Authority

51. Low-Income Housing Tax Credit Allocation (47 Ill Adm Code 350) (Emergency)
-Notice Published: 21 Ill Reg 4023 - 3/28/97

Nuclear Safety

52. Fees for Radioactive Material Licenses (32 Ill Adm Code 331) (Emergency)
-Notice Published: 21 Ill Reg 4309 - 4/4/97

Pollution Control Board

53. Livestock Waste Regulations (35 Ill Adm Code 505) (Emergency)
-Notice Published: 21 Ill Reg 4313 - 4/4/97

Professional Regulation

54. Respiratory Care Practice Act (68 Ill Adm Code 1456) (Emergency)
-Notice Published: 21 Ill Reg 3730 - 3/21/97

Public Aid

55. Medical Payment (89 Ill Adm Code 140) (Emergency)
-Notice Published: 21 Ill Reg 3734 - 3/21/97

56. Rights and Responsibilities (89 Ill Adm Code 102) (Emergency)
-Notice Published: 21 Ill Reg 4037 - 3/28/97

Transportation

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
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9:00 A.M..
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57. General Information, Regulations and Definitions (92 Ill Adm Code 171) (Emergency)
-Notice Published: 21 Ill Reg 4043 - 3/28/97

AGENCY RESPONSESRevenue

58. Retailers' Occupation Tax (86 Ill Adm Code 130)
-First Published: 20 Ill Reg 14161 - 11/1/96
-Objection Date: 2/26/97
-Response: Withdraw

59. Service Occupation Tax (86 Ill Adm Code)
-First Published: 20 Ill Reg 14175 - 11/1/96
-Objection Date: 2/26/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 25, 1997 through March 31, 1997 and have been scheduled for review by the Committee at its April 15, 1997 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
5/9/97	Department of Commerce and Community Affairs, State Mandates Program (53 Ill Adm Code 200)	12/20/96 20 Ill Reg 15939	4/15/97
5/9/97	Department of Commerce and Community Affairs, Industrial Training Program (56 Ill Adm Code 2650)	1/17/97 21 Ill Reg 747	4/15/97
5/9/97	Pollution Control Board, Toxic Air Contaminants (35 Ill Adm Code 232)	8/23/96 20 Ill Reg 11440	4/15/97
5/9/97	Department of Professional Regulation, Illinois Architecture Practice Act of 1989 (68 Ill Adm Code 1150)	11/22/96 20 Ill Reg 14978	4/15/97
5/9/97	Secretary of State, Department of Personnel (80 Ill Adm Code 420)	2/7/97 21 Ill Reg 1579	4/15/97
5/14/97	Department of Professional Regulation, The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1995 (68 Ill Adm Code 1175)	7/12/96 20 Ill Reg 8813	5/13/97
5/14/97	Department of Public Health, Lead Poisoning Prevention Code (77 Ill Adm Code 845)	10/11/96 20 Ill Reg 13282	5/13/97

PROCLAMATIONS

97-119

DISASTER AREAS - ALEXANDER, GALLATIN, HARDIN, MASSAC, POPE AND PULASKI COUNTIES

A severe storm system accompanied by torrential rainfall moved through the Ohio River Valley beginning on March 1, 1997, and continuing. This rainfall has resulted in high water on the Ohio River across the southern border of Illinois, flooding roads and threatening homes and businesses in low-lying areas along the river. Flood damage has caused a disruption of public services and damage to local roads, bridges, homes, businesses and other properties. The Ohio River continues to rise and is expected to remain well above flood stage for a few weeks.

In the interest of responding to the threat imposed to public health and safety as a result of this flooding, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Alexander, Gallatin, Hardin, Massac, Pope and Pulaski counties as disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the State effort to assist local governments in disaster response and recovery operations. In addition to providing assistance to local governments, this declaration provides for the assessment of damages to determine the need for additional assistance.

Issued by the Governor March 10, 1997.

Filed by the Secretary of State March 10, 1997.

97-120

ILLINOIS JUNIOR BETA CLUB DAYS

Whereas, the National Beta Club is a non-secret, academic, service and leadership club for students; and

Whereas, the purpose of the National Beta Club is to encourage effort and reward it, as well as to promote those qualities of character that make for good citizenship; and

Whereas, the Illinois Junior Beta Club consists of 235 clubs comprised of 7,277 members who perform public service projects; and

Whereas, the Illinois Junior Beta Club will meet for their annual convention April 28-29, 1997, for academic, talent, and arts and crafts competitions as well as to campaign and elect state officers;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 28-29, 1997, as ILLINOIS JUNIOR BETA CLUB DAYS in Illinois.

Issued by the Governor March 6, 1997.

Filed by the Secretary of State March 25, 1997.

97-121

ROBERT SLOAN, JR. AND MARTHA MARSHALL CONGRATULATED

Whereas, Robert B. Sloan, Jr. is a life-long resident of Illinois; and

Whereas, Martha A. Marshall was born in Houston, Texas, and moved to Illinois in 1956; and

PROCLAMATIONS

Whereas, Robert E. Sloan, Jr. and Martha A. Marshall had their first conversation on October 3, 1995, and their first date on October 7, 1995; and whereas, Robert Sloan, Jr. and Martha Marshall were engaged on December 21, 1996; and whereas, Robert is the father of George, Judith, Mary, Patricia, Theresa, Angela and Robert E. III; and he is grandfather to Matthew, Wyatt, Jr., Jennifer, Manda, Nicholas, Blake, Michael, Levi, Robert, William, Annette, Kayla, Megan and Lucas; and whereas, Martha is the mother of Kathryn, Beverly, Karen, Philip and Robert; and she is grandmother to Sarah and Amanda; and whereas, Robert and Martha enjoy traveling, attending plays, dining out together and are actively involved in their church; and whereas, Robert and Martha will exchange marriage vows on March 8, 1997; Therefore, I, Jim Edgar, Governor of the State of Illinois, extend best wishes and sincere congratulations to Robert Sloan, Jr. and Martha Marshall on their marriage.

Issued by the Governor March 6, 1997.
Filed by the Secretary of State March 25, 1997.

97-122

SAFE BOATING WEEK

Whereas, in recognizing that hundreds of lives could be saved each year by the wearing of life jackets; and whereas, the law requires that wearable life jackets be carried for each person on board the boat; and whereas, approximately 65 percent of the people who died in boating accidents in 1996 were not wearing life jackets; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 17-23, 1997, as SAFE BOATING WEEK in Illinois and urge those who boat to wear their life jackets and practice safe boating.

Issued by the Governor March 6, 1997.
Filed by the Secretary of State March 25, 1997.

97-123

AGRICULTURE WEEK

Whereas, agriculture is an important part of life in Illinois, contributing nearly \$50 billion to the state economy, employing nearly 900,000 Illinoisans with approximately 1,400 food-producing companies located in the State; and whereas, Illinois is gifted with some of the richest agricultural resources in the world, with more than 28 million acres of farm land; and whereas, Illinois farmers are leaders in the production of corn and soybeans, which make up about one-fourth of all United States agricultural exports, and are leaders in livestock production and natural resource protection; and whereas, Illinois ranks near the top in the nation in production of ethanol; and whereas, Illinois ranks near the top in the nation in production of agricultural and agricultural processing and ranks number one among all states in the production of ethanol; and

PROCLAMATIONS

Whereas, the week of March 16-22, 1997, is designated as National Agriculture Week and March 20, 1997, is designated as National Agriculture Day; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 16-22, 1997, as AGRICULTURE WEEK in Illinois.

Issued by the Governor March 11, 1997.
Filed by the Secretary of State March 25, 1997.

97-124

TRAINING AND EMPLOYEE DEVELOPMENT WEEK

Whereas, successful businesses require qualified and well-trained employees to provide excellent products and services to their customers; and whereas, the Training & Human Resource Management Organization for Students (THEMOS) and the Society for Human Resource Management (SHRM), were designed to provide employees, employers and students entering the workforce a breadth of knowledge upon which to build successful training and human resource programs; and whereas, with more than 79,000 members internationally, including the THEMOS student chapter and other student and professional chapters in Illinois, they are dedicated to providing education and information that equip human resource professionals for their roles as leaders and decision makers within their organizations; and whereas, today's high cost of turnover and training new employees as a result of such turnover further emphasizes the need for well-trained employees who are more successful personally and professionally; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 14-18, 1997, as TRAINING AND EMPLOYEE DEVELOPMENT WEEK in Illinois.

Issued by the Governor March 11, 1997.
Filed by the Secretary of State March 25, 1997.

97-125

BRAIN AWARENESS WEEK

Whereas, the human brain is a remarkable phenomenon, controlling and regulating the body's every function, thought and emotion; and whereas, neuroscientists are making tremendous strides in unraveling the mysteries of the mind and greatly improving treatments for disorders of the brain and nervous system; and whereas, Brain Awareness Week is a nationwide effort intended to focus public attention and support on the impact of brain research; and whereas, Northwestern University Medical School is hosting a Brain Awareness Week lecture, featuring Dr. Marcus Raichle, who has pioneered methods of studying the human brain; and whereas, I, Jim Edgar, Governor of the State of Illinois, proclaim March 17-22, 1997, as BRAIN AWARENESS WEEK in Illinois.

Issued by the Governor March 12, 1997.
Filed by the Secretary of State March 25, 1997.

97-126

DR. JOHN W. POLLARD DAY

PROCLAMATIONS

Whereas, Dr. John W. Pollard received his medical degree in 1957 from the University of Minnesota; and
 Whereas, Dr. Pollard has worked 34 years for the Carle Clinic Association, which includes more than 25 years in the field of group practice administration; and

Whereas, Dr. Pollard served as Chief Executive Officer for the Carle Clinic Association from 1979-94; and

Whereas, Dr. Pollard is a distinguished Fellow of the American College of Physician Executives and a Fellow of the American College of Cardiology and American College of Physicians and has written many articles and published a book on medical administration; and

Whereas, Dr. Pollard has received many awards, including the American College of Medical Group Administrators Executive Award, the Yater Award and the Carle Physician Excellence Award; and

Whereas, Dr. John Pollard and his wife, Gwen, are the parents of four children, grandparents of five, and have been foster parents to more than 60 children; and

Whereas, Dr. John Pollard will retire from the Carle Clinic Association on March 15, 1997, and will be honored at a retirement party on April 26, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 15, 1997, as DR. JOHN W. POLLARD DAY in Illinois and extend best wishes and sincere congratulations to Dr. Pollard on this momentous occasion.

Issued by the Governor March 12, 1997.
 Filed by the Secretary of State March 25, 1997.

97-127

ILLINOIS STATE AUCTIONEERS ASSOCIATION CONGRATULATED

Whereas, the Illinois State Auctioneers Association (ISAA) has 10 state districts, represented by elected directors who serve on the Board of Directors with the President, President elect, Vice President and Secretary/Treasurer; and

Whereas, the Illinois State Auctioneers Association has grown to 550 members since it was organized 50 years ago; and

Whereas, the ISAA printed its first newsletter in 1968, and they now publish a quarterly magazine; and

Whereas, the ISAA sponsors a bid-calling contest each year on the Lincoln Stage at the Illinois State Fair; and

Whereas, the Illinois State Auctioneers Association and the National Auctioneers Association contribute to the charity organization of the St. Jude's Children's Hospital in Memphis, Tennessee; and

Whereas, the ISAA has two conventions each year, with an annual business meeting conducted at the fall convention; and

Whereas, the Illinois State Auctioneers Association will celebrate its 50th anniversary November 1-3 at Jumer's Hotel in Bloomington;

Therefore, I, Jim Edgar, Governor of the State of Illinois, extend congratulations to the Illinois State Auctioneers Association on their 50th anniversary.

Issued by the Governor March 12, 1997.

Filed by the Secretary of State March 25, 1997.

PROCLAMATIONS

97-128

NATIONAL AUCTIONEERS ASSOCIATION MONTH

Whereas, auctions have always been an influential part of marketing in the United States and throughout the world; and

Whereas, the National Auctioneers Association seeks to establish the highest standards in professionalism for its members and excellent service to the public; and

Whereas, the National Auctioneers Association endeavors to continually preserve American free enterprise; and

Whereas, members of the National Auctioneers Association help children stricken with cancer and other catastrophic diseases through its partnership with St. Jude Children's Research Hospital in Memphis, Tennessee;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1997 as NATIONAL AUCTIONEERS ASSOCIATION MONTH in Illinois.

Issued by the Governor March 12, 1997.

Filed by the Secretary of State March 25, 1997.

97-129

YOUTH ART MONTH

"To have an appreciation of art is to have immeasurable wealth."

--Otto H. Kahn

Whereas, the arts serve an important role in the educational development of our youth; and

Whereas, during the month of March, the Illinois Art Education Association will be sponsoring special events and exhibits in conjunction with a nationwide effort to highlight the accomplishments of art teachers and their students; and

Whereas, community organizations are encouraged to take advantage of this opportunity to emphasize the enjoyment that can be derived through the creation and appreciation of art;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1997 as YOUTH ART MONTH in Illinois.

Issued by the Governor March 12, 1997.

Filed by the Secretary of State March 25, 1997.

97-130

ARTS IN EDUCATION SPRING CELEBRATION MONTHS

Whereas, the Peoria County Regional Office of Education is committed to the establishment and continuation of school programs that provide students with the opportunity to achieve academic excellence; and

Whereas, the Peoria County Regional Office of Education is committed to support the development and promotion of fine arts and applied arts programs; and

Whereas, the Arts in Education Spring Celebration, held at the Peoria County Courthouse, provides a venue for students in grades Pre-K through 12 to showcase their works and talents; and

Whereas, the 1997 Arts in Education Spring Celebration will be held April

PROCLAMATIONS

15 through May 30, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April and May 1997 as ARTS IN EDUCATION SPRING CELEBRATION MONTHS in Illinois.

Issued by the Governor March 13, 1997.

Filed by the Secretary of State March 25, 1997.

97-131

BUILDING SAFETY WEEK

Whereas, building code compliance is the joint responsibility of building owners, operators, architects, engineers, contractors and building officials; and

Whereas, building safety codes protect the public's health and safety by regulating structural, electrical, plumbing, mechanical, fire safety, energy efficiency, accessibility and other aspects of both newly-constructed and existing buildings; and

Whereas, units of government throughout the world are expressing appreciation for the conscientious members of the building industry who ensure building safety throughout the world; and

Is on record, that the International Building Safety Week, with the theme "A Safer World

is on record," will be observed April 6-12, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 6-12, 1997, as BUILDING SAFETY WEEK in Illinois, in conjunction with International Building Safety Week.

Issued by the Governor March 13, 1997.

Filed by the Secretary of State March 25, 1997.

97-132

WILLIAM BRATTAIN DAY

Whereas, William Brattain has served as Associate Vice President & Assistant Vice President of Western Illinois University for more than a quarter of a century, serving the people of Illinois and the students of Western Illinois University in an exemplary fashion in directing University Union operations; and

Whereas, William Brattain has, on behalf of WIU, hosted countless visitors to the University, including President Gerald Ford, First Lady Barbara Bush, various dignitaries from throughout the world, and Governors Thompson and myself; and

Whereas, William Brattain has been a constant advocate on behalf of university students in the formulation of University policy and procedures; and

Whereas, he has helped build a premier student affairs program at WIU, allowing countless students to gain leadership experience and skills; and

Whereas, William Brattain has been a mentor to numerous graduate students pursuing their graduate degrees in Student Personnel Services and Parks and Recreation; and

Whereas, William Brattain has served on the Arts Alliance and worked with the Illinois Arts Council; and

Whereas, he has furthered his dedication to higher education by serving as an elected trustee of the Carl Sandburg Community College District; and

PROCLAMATIONS

Whereas, William Brattain contributes to the Western Illinois Region, the University Community, and the City of Macomb through his involvement with the YMCA, the Macomb Rotary Club and his church; and

Whereas, William Brattain is also a loving husband, father and grandfather;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 10, 1997, as WILLIAM BRATTAIN DAY in Illinois, and congratulate him on his retirement.

Issued by the Governor March 13, 1997.

Filed by the Secretary of State March 25, 1997.

97-133

YMCA EVANSTON/NORTH SHORE CONGRATULATED

Whereas, the YMCA Evanston/North Shore works for the empowerment of women and girls and maintains that discrimination against women around the world should be eliminated; and

Whereas, the YMCA Evanston/North Shore works to ensure the advancement and development of women in all fields, condemns discrimination in any form and promotes the principal of equality; and

Whereas, the YMCA Evanston/North Shore believes its efforts would be facilitated by the passage of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and

Whereas, as part of Women's History Month, the YMCA Evanston/North Shore is studying and working to support CEDAW;

Therefore, I, Jim Edgar, Governor of the State of Illinois, congratulate YMCA Evanston/North Shore on its efforts to work for the empowerment of women in the community and around the world.

Issued by the Governor March 13, 1997.

Filed by the Secretary of State March 25, 1997.

97-134

INTERNATIONAL STUDENT AWARENESS MONTH

Whereas, student exchange programs facilitate respect for other cultures and other nations, and the importance of student exchange programs has become increasingly evident over the years; and

Whereas, families and schools that host international students enrich their understanding of other nations; and

Whereas, international students who study in the United States have the opportunity to learn about life in our country; and

Whereas, the Council for Educational Travel USA is conducting a campaign to increase awareness of student exchange programs and to encourage global peace and understanding;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1997 as INTERNATIONAL STUDENT AWARENESS MONTH in Illinois.

Issued by the Governor March 14, 1997.

Filed by the Secretary of State March 25, 1997.

97-135

PROCLAMATIONS

RECORDS AND INFORMATION MANAGEMENT WEEK

Whereas, the management and control of information is increasingly critical to every industry, business and government agency, and the systematic creation, distribution, storage and retrieval of records are of critical importance to the continued and efficient operation of any good organization; and

Whereas, organizations that excel today and tomorrow will be those recognizing information as a major resource and structuring it as efficiently as they do other assets; and

Whereas, an effective records management program assures the availability of information as a basis for sound decision-making by providing security and control against loss by mismanagement, natural disaster, theft or inadvertent destruction; and

Whereas, all Illinois citizens should recognize the significant and important role that records management professionals render in maintaining appropriate business, civic and government records; and

Whereas, ARMA International has the purpose of promoting professionalism and education in Records and Information Management, and providing a forum for the exchange of information and the establishment of standards within records management practices;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 30-April 5, 1997, as RECORDS AND INFORMATION MANAGEMENT WEEK in Illinois.

Issued by the Governor March 17, 1997.

Filed by the Secretary of State March 25, 1997.

97-136

SHAWNEE RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL HONORED

Whereas, the Shawnee Resource Conservation and Development Area was one of the original 10 project areas authorized by the United States Department of Agriculture in 1967; and

Whereas, the Shawnee Resource Conservation and Development Area serves a 19-county region in Southern Illinois; and

Whereas, the Shawnee Resource Conservation and Development Area's program of natural resource conservation and rural economic development has served to enhance the wealth and beauty of our State's vast landscape; and

Whereas, the Shawnee Resource Conservation and Development Area is governed by a council of representatives of 19 Illinois county governments: 17 Illinois Soil Water Conservation Districts, and five Illinois River Conservation Districts; and

Whereas, on March 25, 1997, the Shawnee Resource Conservation and Development Area Council celebrates 30 years as the Chamber of Commerce for rural Southern Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, wish to personally honor the Shawnee Resource Conservation and Development Council on their longtime service to the State of Illinois.

Issued by the Governor March 17, 1997.

Filed by the Secretary of State March 25, 1997.

PROCLAMATIONS

97-137

DRIVE SAFETY AT WORK WEEK

Whereas, motor vehicle crashes are the leading cause of death in the workplace; and

Whereas, traffic crashes cost the nation's employers a staggering \$54.8 billion per year; and

Whereas, these costs are unacceptable to both employers and the nation; and

Whereas, increasing safety belt use, reducing the use of alcohol and other drugs by drivers, informing the public about how to share the road with large vehicles, encouraging courteous driving behavior and obeying the "rules of the road" will reduce the number of deaths and injuries together with their devastating costs; and

Whereas, the Network of Employers for Traffic Safety, a public and private partnership, promotes traffic safety in the workplace; and

Whereas, the Network of Employers for Traffic Safety works locally, statewide and nationally to inform employers of the costs of crashes and educate employees about highway safety; and

Whereas, the Network of Employers for Traffic Safety, together with its partners, has committed to reduce workplace fatalities and injuries related to highway and traffic safety by 20 percent before the year 2000; and

Whereas, employers who implement safe driving policies and programs help create a safer environment for families and communities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 20-26, 1997, as DRIVE SAFETY AT WORK WEEK in Illinois.

Issued by the Governor March 19, 1997.

Filed by the Secretary of State March 25, 1997.

97-138

IRANIAN HERITAGE DAY

Whereas, there are more than one million people of Iranian descent residing in the United States, with several thousand Iranian Americans residing in the State of Illinois; and

Whereas, the Iranian American community has contributed in all areas including business, science, medicine, the law, education, the arts and public service;

Whereas, there are 16 community groups, media and cultural organizations which strive to preserve, promote and unite the Iranian American community through cultural awareness and educational programs; and

Whereas, the first day of spring is celebrated as New Year's Day among all Iranians, regardless of their religious beliefs; and

Whereas, Iranians all over the world will celebrate the arrival of spring on March 20, 1997, the Iranian New Year 1376, at the time of the vernal equinox; and

Whereas, "Now Ruz", the "New Day", is celebrated each year on March 21; and

Whereas, the traditional "Now Ruz" celebration begins with spring cleaning, cleansing of the body and soul from animosity, grievances and evil

PROCLAMATIONS

thoughts and a fresh season is to follow through visiting and greeting one's neighbors, relatives and friends of the family.

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 21, 1997 as IRANIAN HERITAGE DAY in Illinois in commemoration of more than 2,500 years of Iranian civilization and tradition.

Issued by the Governor March 19, 1997.
Filed by the Secretary of State March 25, 1997.

97-139

REX AND MARDELLE BOLIN CONGRATULATED

Whereas, Rex and Mardelle Bolin were united in marriage on March 21, 1937, in Bethany, Illinois; and

Whereas, the Bolins are the parents of four sons, Richard, Jerry, Leon and Roger; and

Whereas, Mr. Bolin is a retired United States Post Office worker; and
Whereas, Mrs. Bolin has been a full-time homemaker throughout their marriage; and

Whereas, Rex and Mardelle Bolin have spent their entire married life in Sullivan, Illinois, where they have been very active community members; and
Whereas, the Bolins will celebrate their 60th wedding anniversary on March 21, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, extend best wishes and sincere congratulations to Rex and Mardelle Bolin on their anniversary.

Issued by the Governor March 19, 1997.
Filed by the Secretary of State March 25, 1997.

97-140

TELECOMMUNICATOR WEEK

Whereas, public safety telecommunications, specialists in operating state-of-the-art radio and computer aided communications systems, are a cornerstone of the public safety community; and

Whereas, telecommunications access, monitor and disseminate information of critical importance to the safety of public officials and success of public safety goals on a continual basis; and

Whereas, these professional men and women effectively and efficiently function to help ensure the safety and protection of life, property and individual rights of the citizens of the State of Illinois; and
Whereas, it is appropriate that we demonstrate our appreciation of their knowledge, training, service and dedication;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 14-20, 1997, as TELECOMMUNICATOR WEEK in Illinois in recognition of the vital contribution telecommunications have made to the well-being of our citizens.

Issued by the Governor March 19, 1997.
Filed by the Secretary of State March 25, 1997.

97-141

UNsung HEROES DAY

Whereas, the Stephen A.M.E. Church is celebrating its 125th anniversary this year; and

Whereas, the Stephen A.M.E. Church is fortunate to have members whose dedication to their faith have made them focused in their desire to help their fellow Christians in unselfish and caring ways; and

Whereas, the Criterion Club of the Stephen A.M.E. Church would like to recognize individuals at the First Annual Unsung Heroes Honorary Luncheon who have been a solid foundation for the church to build upon; and

Whereas, these unsung heroes have worked diligently to better their community, church and the A.M.E. Connection; and

Whereas, this year's unsung heroes are: Clara Anderson, Julia Cook, Sam Curry, Charles Ferguson, Mattie Franks, W.C. Irby, Fannie Woodley, Norman Logan, Margaret Johnson, Samuel Nicholson, Jackie Potts, Willie Sims, and Minnie White; with Garland Coble and Pauline Miller receiving honorable mention;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 22, 1997, as UNSung HEROES DAY in Illinois, and commend these members of the Stephen A.M.E. Church for their dedication and devotion to their church.

Issued by the Governor March 19, 1997.
Filed by the Secretary of State March 25, 1997.

Rules acted upon during the quarter of January 1 through March 31, 1997 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50131, Adm. Code 4401 published in Issue 40 will be listed as 50-4401-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or journals@dc.state.pa.us (Internet address).

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